

**JOINT REGIONAL PLANNING PANEL  
(Sydney East Region)**

<b>JRPP No</b>	<b>2014SYE084</b>
<b>DA Number</b>	<b>LDA 2014/236</b>
<b>Local Government Area</b>	<b>City of Ryde</b>
<b>Proposed Development</b>	<p>The proposal seeks consent for the demolition of the existing factory buildings and associated structures and construction of a mixed use development containing two x six storey buildings comprising of a commercial component and sixty two (62) apartments:</p> <ul style="list-style-type: none"> <li>• Building A facing Porter Street will have a retail component of 122m<sup>2</sup> on the ground floor and will contain 28 apartments.</li> <li>• Building B facing Church Street will have a retail component of 88m<sup>2</sup> on the ground floor and will contain 34 apartments.</li> <li>• The development proposes 91 carparking spaces over two half levels and one full level of basement carparking with all vehicular access from Porter Street.</li> </ul>
<b>Street Address</b>	13-15 Porter Street and 115-117 Church Street, Ryde
<b>Applicant/Owner</b>	<p><b>Applicant:</b> Eastern Pearl P/L</p> <p><b>Owner:</b></p> <p>13 Porter Street: Makary Family Investments Pty Ltd Glasson Family Investments Pty Ltd Cassar Family Investments Pty Ltd</p> <p>15 Porter Street: Flash Group P/L Glasson Family Investments P/L Cassar Family Trust</p> <p>115 Church Street: Flash Group P/L Glasson Family Investments P/L Cassar Family Trust</p> <p>117 Church Street: Thomas &amp; Laura Walker</p>
<b>Number of Submissions</b>	<p>Four submissions were received raising concerns relating to:</p> <ul style="list-style-type: none"> <li>• Impact/increase on local traffic - Porter Street</li> <li>• Overshadowing and privacy onto their property at Church Street</li> <li>• Surrounded by constant construction/ building works</li> <li>• Height of buildings and amount of glass material</li> <li>• Lack of surrounding infrastructure to support the increased population.</li> </ul>

<b>Regional Development Criteria (Schedule 4A of the Act)</b>	General Development over \$20m
<b>List of All Relevant s79C(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act, 1979</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX)</li> <li>• Deemed SEPP – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> <li>• Ryde Local Environmental Plan 2010</li> <li>• Ryde Local Environmental Plan 2014</li> <li>• Ryde Development Control Plan 2014</li> <li>• Section 94 Development Contributions Plan 2007.</li> </ul>
<b>List all documents submitted with this report for the panel's consideration</b>	<ul style="list-style-type: none"> <li>• Attachment 1 – Conditions</li> <li>• Attachment 2 - Acoustical Assessment Report by SLR Global Environmental Solutions.</li> <li>• Attachment 3 - Accessibility Report by BCA.</li> <li>• Attachment 4 - Arboricultural Impact Appraisal and Method Statement Report by Victor John Molyneaux</li> </ul>
<b>Recommendation</b>	<b>Approval with Conditions</b>
<b>Report by</b>	<b>Sandra McCarry – Senior Town Planner</b>

## **Assessment Report and Recommendation**

### **1. EXECUTIVE SUMMARY**

The following report is an assessment of a development application for the construction of a mixed use development comprising two buildings at 13-15 Porter Street and 115 – 117 Church Street, Ryde.

The residential component of the development will contain 62 residential apartments distributed across 2 x 6 storey buildings with car parking for 91 cars. Vehicular access is provided from Porter Street. Both buildings will have a commercial component of 122m<sup>2</sup> and 88m<sup>2</sup> on the ground floor of Building A and B, respectively.

The consent authority for the purposes of determining the application is the Sydney East Region Joint Regional Planning Panel (JRPP) as the proposal has a Capital Investment Value of \$22,978,298.

The development application was publicly exhibited between 7 July 2014 and 30 July 2014. Four submissions were received which raised concerns in respect to increased

traffic generated by the development, in particular traffic along Porter Street, height of buildings and amount of glass material, the area surrounded by constant building works, lack of infrastructure to support increased population and impact of the development to 106 Church Street with regard to overshadowing and privacy. The matters raised in the submissions are discussed in detail further in the report.

As part of the original assessment a number of issues were identified in respect to floor space ratio, waste collection trucks accessibility, building setbacks (top floor), disabled accessibility, amenity and non-compliances with Council's Development Control Plan 2010.

To address these issues the applicant submitted amended plans and supporting information on 14 September 2014. The amended plans and supporting information included:

- Reducing the floor space to bring the development closer to compliance. The reduction in floor space is a result of the deletion of a floor level in Building B, reducing the number of storeys from seven to six.
- Top floor of Building A has been amended to have a 4m setback from the front setback.
- Amendments to the waste collection with provision for a separate commercial waste collection within the basement area and a storage area for the hard waste collection on the ground floor.
- Swept path diagrams provided and increase in floor to ceiling height to 3m for the 1<sup>st</sup> basement level to satisfy the clearance height for the waste collection trucks.
- Accessibility across the site amended to provide a low rise lift to provide disabled access from Church Street and within the communal open space area.
- Delete screening facing Hayes Reserve to provide for greater passive surveillance and create greater articulation to the building's façade.
- Arborist report submitted.

The development fails to comply with the height control as specified in the Ryde Local Environmental Plan 2010. The height control is 9.5m and the proposal will have a maximum height of 21.05m, which is a variation of 11.5m. However the variation is supported as the development is consistent with the existing character of the locality as well as the desired future character of the area and results in minimal impacts to adjacent development. Also, the development complies with the maximum height control of 21.5m permitted in RLEP 2014. There is no floor space control in RLEP 2010 however such a control does exist in RLEP 2014. Due to the saving provision in RLEP 2014, this planning instrument is considered as a draft planning instrument. The development has a FSR of 2.02:1 which exceeds the 2:1 control by 51m<sup>2</sup>. These variations are discussed further in the report however are considered acceptable in the circumstances of the case.

It is recommended that the proposed development be approved, subject to conditions of consent.

## **2. APPLICATION DETAILS**

**Name of applicant:** Eastern Pearl P/L

**Owner of the site:**

13 Porter Street: Makary Family Investments Pty Ltd  
Glasson Family Investments Pty Ltd  
Cassar Family Investments Pty Ltd

15 Porter Street: Flash Group P/L  
Glasson Family Investments P/L  
Cassar Family Trust

115 Church Street: Flash Group P/L  
Glasson Family Investments P/L  
Cassar Family Trust

117 Church Street: Thomas & Laura Walker

**Estimated value of works:** \$22,978,298 (including GST)

**Disclosures:** No disclosures with respect to the Local Government and Planning Legislation Amendment (Political Donations) Act 2008 have been made by any persons.

### **3. SITE DESCRIPTION**

The subject site is known as 13-15 Porter Street and 115-117 Church Street, Ryde. The site is a consolidation of four allotments and is legally described as Lot A of DP 432281, Lots 13 and 14 of DP 19725, Lot B DP 311850 and is situated between Church Street and Porter Street with frontages to both streets.

The site has a northwest - southeast alignment with a 31.59m frontage to Church Street (southeast) and a frontage of 31.59m to Porter Street (northwest) and north-eastern and south-western boundaries of 80.94m and 80.62m respectively, resulting in an overall site area of 2551m<sup>2</sup>. To the immediate southwest of the site, running the length of the proposed boundary between Church Street and Porter Street is Hayes Reserve which provides pedestrian access from Church Street to Porter Street,

The location of the site is demonstrated in Figure 1.

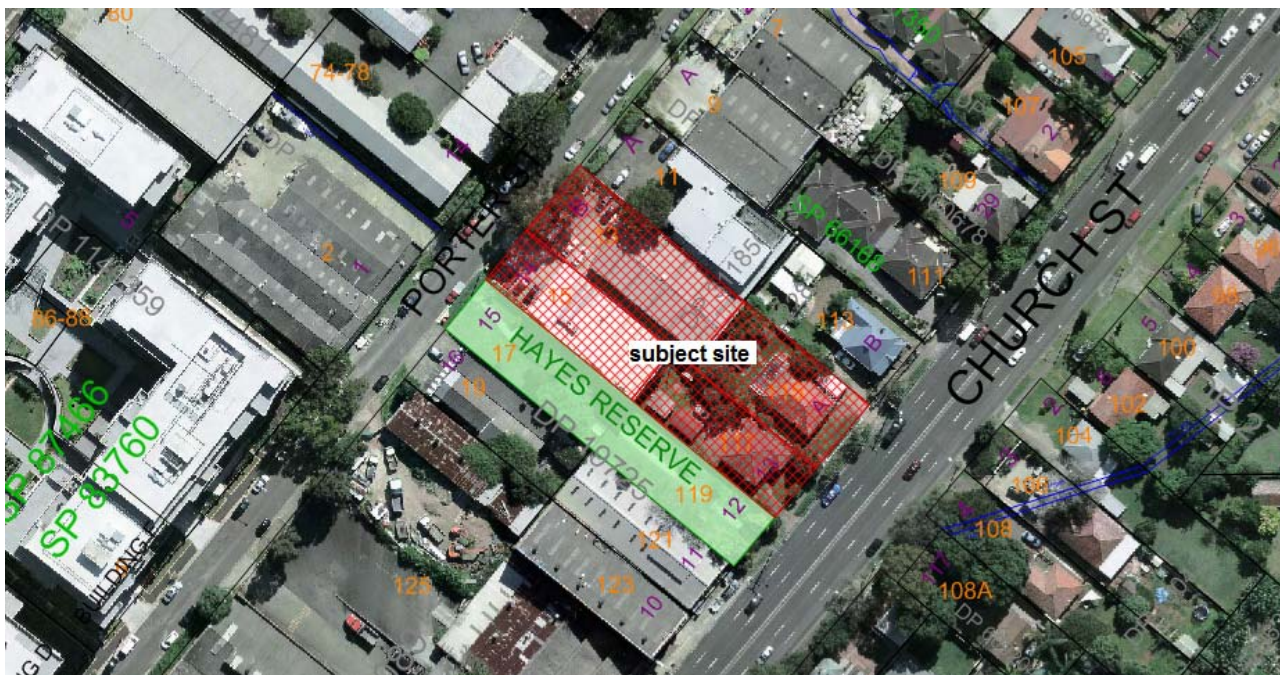


Figure 1: The subject site is highlighted in red and Hayes Reserve adjoins the site. This diagram demonstrates the variety of land uses such as high density residential, industrial and dwelling houses currently in the immediate area.

The character of Meadowbank is evolving from an industrial area to a predominantly residential area. The subject site and the immediate adjoining northern properties contain low rise industrial buildings. Opposite on 74-84 Porter Street is an approved Part 3A Concept approval for five residential buildings. At 2-4 Porter Street is a recently approved two x six storey mixed use residential and commercial buildings. Other developments in Porter Street such as 82-84 Porter Street comprise of mixed residential/commercial complex containing six separate buildings ranging in height from six to seven storeys. To the south, at the corner of Church and Well Street is a new development currently under construction comprising of four residential and retail buildings ranging between six to seven storeys. Opposite the site on Church Street are one to two storey dwelling houses. The surrounding buildings are demonstrated in the photos below.





Photograph 1: Porter Street establishes the streetscape character – looking from the subject site to the west/ south west. The photograph demonstrates the existing buildings opposite in 82-84 Porter Street (Bay One Development). The buildings range in height from seven storeys down to five storeys towards the foreshore.



Photograph 2: Further development along Porter Street opposite the Bay One Development. To the south, at the corner of Church and Well Street there is a new development currently under construction comprising of four residential and retail buildings ranging between six to seven storeys



Photograph 3: Residential development of the eastern side of Church Street looking from the subject site across the road which comprises of single and two storey dwelling houses.

Medium density residential buildings which include retail and commercial components are now a significant land use within the area. The built forms of the newer surrounding buildings vary in height to up to seven storeys.

#### **4. PROPOSAL**

The development proposes the following works:

- Demolition of the existing buildings on the site.
- Construction of a new development comprising a mixed use scheme in two building blocks - Block 'A' and Block 'B' - containing a total of sixty two (62) apartment dwellings, two (2) commercial/home office spaces, and a common basement carpark.
- The apartment dwellings will comprise of 26 x 1 bedroom apartments, 34 x 2 bedroom apartments and 2 x 3 bedrooms apartments and parking for 91 car parking spaces.

The two buildings are designed so that each building will have a presentation to either Porter or Church Street, with both buildings having a ground floor retail component facing either Porter Street or Church Street and Hayes Reserve. A landscaped common open space area with seatings is provided between the two buildings.

The location of the proposed development is demonstrated in Figure 2.



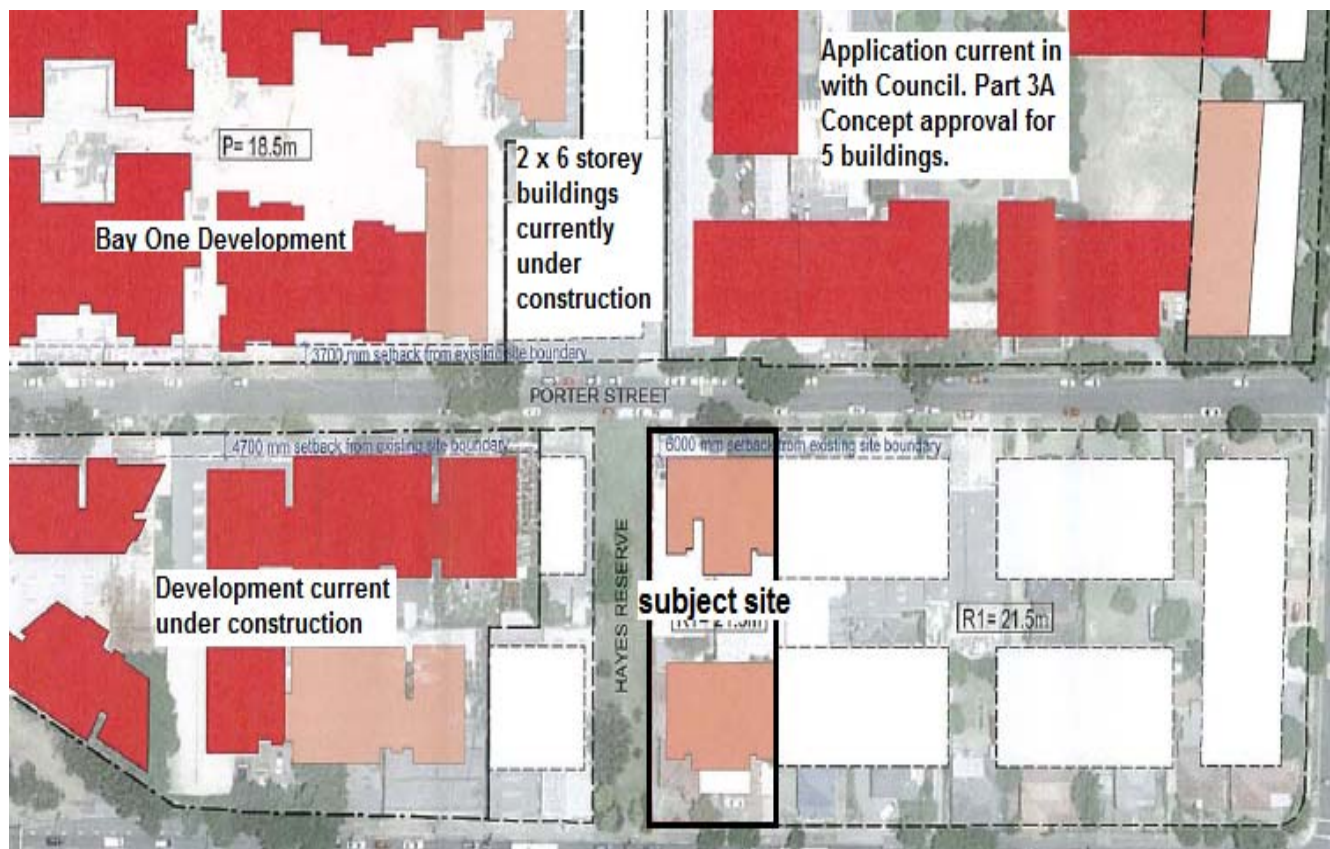


Figure2: The proposed two buildings on the subject site with surrounding properties with existing buildings or future buildings which has been approved.



Figure 3: Photomontage of the proposed development - Building A facing Porter Street and adjacent to Hayes Reserve.



## 5. **BACKGROUND**

### **Relevant Background for the Current Development Application**

Prior to lodgement the applicant undertook a pre-lodgement meeting and review by Council's Urban Design Review Panel on 5 March 2014. The following is a summary of the comments provided to the applicant:

#### **FSR**

*The proposed FSR of 2.2:1 exceeds the permissible FSR of 2:1. Sufficient justification for the extra floor space has not been demonstrated. The Panel recommends compliance with the permissible FSR.*

#### **Comment:**

Amended plans were submitted which reduced the floor space with the proposal now closer to compliance with Council's controls. The FSR will be 2.02:1 which is only a very small minor variation of 51m<sup>2</sup> and can be supported on the merits of the case.

#### **DCP Controls**

*Adherence to Council's DCP controls for street setbacks and street wall heights is important to ensure a consistent built form along each street. The Panel recommends varying the side setback control in Council's DCP in favour of a party wall/nil setback along the side boundary to north with a maximum building depth of 20m. A party wall approach will assist in achieving a cohesive street edge across a range of development frontages and ensure sites can be efficiently redeveloped.*

#### **Comment:**

The proposal complies with Council's controls for the street setback, having a setback of 4m (after road dedication) from Porter Street and 12m from Church Street. The top most floor of Building A has been setback 4m from the building façade and a zero setback provided along the northern side boundary. A maximum building depth of 20m is proposed along the northern boundary.

#### **Use**

*The location of this site along Hayes Reserve and the associated pedestrian link is a desirable retail/commercial tenancy location within the local context. However the viability of small retail/commercial tenancies along Church Street is questioned. The Panel recommends locating retail tenancies at ground floor of each building along Hayes Reserve. Home office uses, if desired, could be relocated to Porter Street. SOHO units should be designed with a true commercial space facing the street and attached to a residential unit on the floor above. The space could be used for residential or commercial depending on the market and would provide opportunities for a greater mix of uses.*

#### **Comment:**

A retail/commercial component is provided on the ground floor of each of the building with the retail facing each of the respective streets (Porter and Church Streets) and facing Hayes Reserve. A usable outdoor area is proposed adjacent to the retail and

Hayes Reserve which will activate this frontage and provide passive surveillance to the reserve.

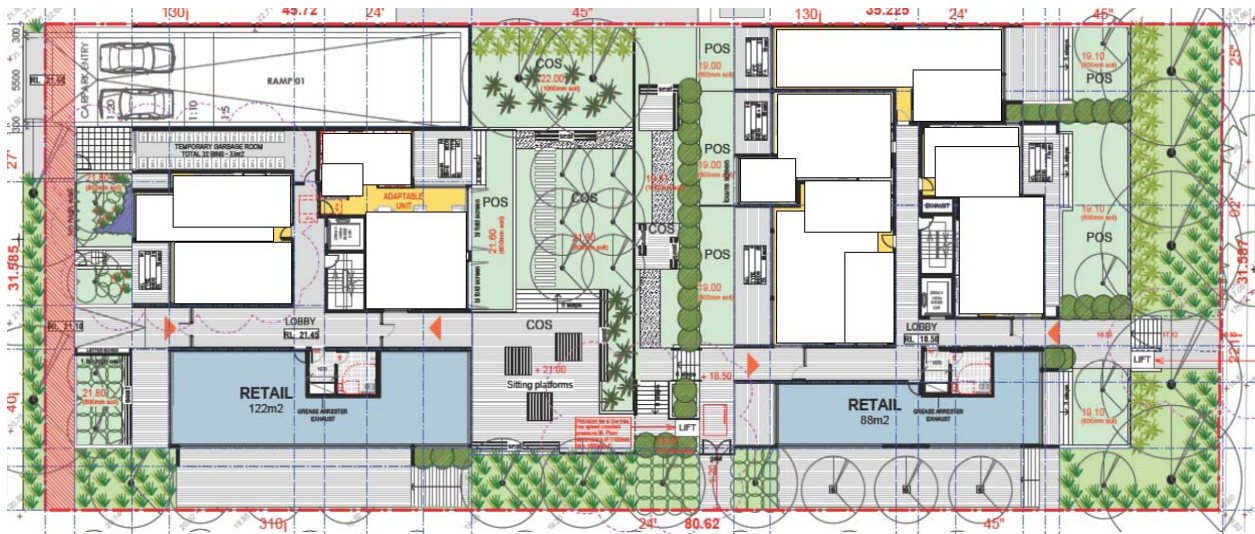


Figure 4: Location of the retail premises – on the ground floor of each of the buildings, with the retail facing each of the respective streets and facing Hayes Reserve.

### **Church Street Interface**

*With the retail and home office spaces relocated to Hayes Reserve and to Porter Street, the 12m setback for residential uses along Church Street should be achieved. The location of deep soil along Church Street is supported as it will reinforce the approach of other development approvals to the south and recommendation for Pre-DAs to the north. Pedestrian entry from Church Street is supported in conjunction with the proposed through site link to Porter Street.*

### **Comment:**

A 12m setback has been provided along Church Street with deep soil planting within this front setback. Pedestrian and disabled access is provided from Church Street with a through site link from Church Street to Porter Street.

### **Hayes Reserve Interface**

*To facilitate retail uses and an active frontage along Hayes Reserve, the carpark entry should be relocated to the north and away from the park frontage.*

*The Hayes Reserve facades are designed to partially overlook the reserve but are largely articulated as sheer side walls rather than active frontages facing the reserve.*

*The façade to the reserve will be exposed permanently and needs to be treated as a primary rather than side façade and offer a high level of surveillance to the reserve itself.*

*Greater consideration of the façade detailing and opportunities to open up the apartments to the reserve would elevate the reserve as an important site frontage and would also increase the perception of safety. Wrapping the balconies around the corner of the building is one solution.*

*Hayes Reserve includes a pedestrian path between Porter Street and Church*

*Street though the centre of the reserve. The proposal creates a second path along the southern boundary. It is desirable to consolidate the pedestrian circulation and link access to the retail and residential courtyard to the reserve.*

*The panel also considers that a path on the boundary within the property is not required. The pathway through the existing reserve should be sufficient. The panel encourages the applicant to consider opening the retail tenancy in its new location at the corner with Porter Street to have an outdoor space interface to the reserve instead.*

Comment:

The car park entry has been relocated to the north to be away from the park frontage with the facades facing Hayes Reserve designed to have articulated walls with windows and balconies to provide surveillance to the reserve. The side pathway adjacent to the reserve has been deleted however it is still possible for residents to access the site from Church Street through to Porter Street.

An outdoor interface area facing the reserve has been provided from the retail area. This area will provide surveillance and will help activate this frontage.

**Building and Ceiling Heights**

*Taller ceilings on the ground floors are supported. Floor to floor height for residential are shown at 2950mm. Ceiling heights should meet the requirements of the Residential Flat Design Code and achieve 2700mm. The Panel does not support the proposed floor to floors heights as it limits opportunities for ceiling finishes and lighting. Increasing the ceiling heights will increase the overall height of the building and may result in a non-compliance with the height control.*

Comment:

A ground floor ceiling height of 3.95m and 2.95m have been provided for Building A and B, respectively. The floor to ceiling height for Building A complies with Council's DCP requirements to allow for flexible/mixed use. The ceiling height of Building B is supported by the Panel as the viability of small retail/commercial tenancies along Church Street is questionable given that Church Street is not highly pedestrianized with no vehicle parking/stopping along Church Street. The ceiling heights for the residential component complies with the requirement of the Residential Flat Design Code (achieve 2700mm). Should the retail component end up not being viable, the premises are capable of being converted to residential use, subject to Council's approval.

**Communal Open Space**

*Greater detail is needed on the resolution of the central courtyard and its levels. The courtyard is a great asset for the residents and has the potential to link to Hayes Reserve.*

Comment:

The central courtyard is well designed with seating platforms and access to Hayes Reserve however due to the topography across the two allotments, the communal area is not all one level. The communal space steps down towards Church Street

however disabled access has been provided across the site, linking access from Porter Street to Church Street.

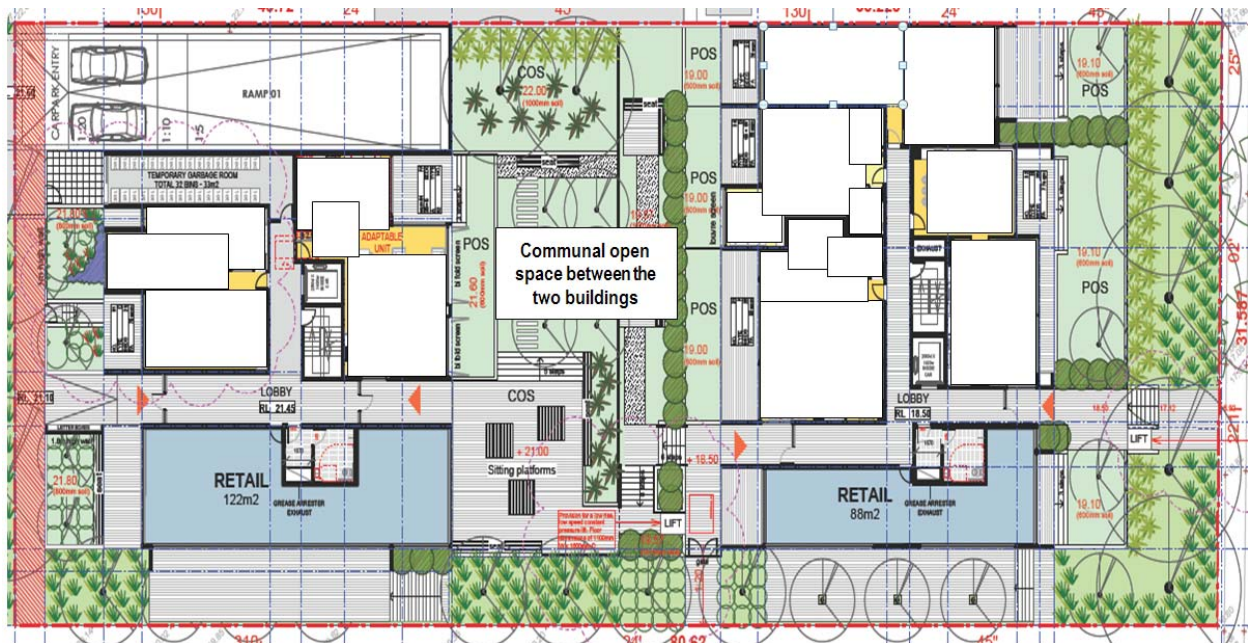


Figure 5: The Communal Open Space located between the two buildings, with access from both buildings.

### **Unit layout**

*The kitchen design in the ground floor unit for the Church Street building is not ideal as part of it appears to be recessed behind the bathroom and bedroom with little light penetration. There are potential privacy issues between the 2 bed unit and the end unit in the Porter Street building at the rear due to a window to an unnamed room looking directly towards the balcony of the bedrooms on the end unit. This should be addressed as part of the final design.*

### **Comment:**

Generally the kitchen layout has been amended so that it is not recessed behind the bathroom and bedroom. Internal overlooking concerns have been addressed with privacy screens for balconies facing the courtyard areas with the required building separation.

### **Roof form**

*The panel are supportive of a more innovative roof solution. The panel considers that the roof should extend past the façade to the reserve to create stronger shadow and main façade response to the reserve frontage.*

### **Comment:**

The roof form has been designed in accordance with the Panel's recommendations, with the roof extending out pass the front building façade.

The development application was lodged on 11 June 2014.

Following an initial assessment of the development application, a letter was sent to the applicant on 22 July 2014. The letter raised the matters listed below:



- Non-compliant with FSR under (the then draft) RLEP 2014 and that the proposed variation is not supported.
- Setback to the upper storeys of the buildings not in accordance with Council's DCP requirement.
- Waste collection concerns as the access ramp to the basement inadequate to allow for Council's waste trucks. Furthermore no allocation for a hard waste storage area for collection of household clean-up.
- Request for swept path analysis.
- Request for an Arborist report.
- Request for further site investigation report and to demonstrate that the site is suitable for the proposed use, or that the site can be remediated for the use.
- Confirmation of Disabled Access across the site.

Following a meeting held with the applicant on 2 September 2014, the applicant advised that they will modify the design to reduce the floor space to respond to RLEP 2014 and other non-compliances with the DCP.

Amended plans were submitted on 14 September 2014. These plans proposed the following changes:

- Level 7 of Building B (Church Street building) deleted which reduced the floor space by approximately 579m<sup>2</sup>. The amended proposal will now have a gross floor space of 5153m<sup>2</sup>, FSR of 2.02:1.
- The setback to the top most storey of Building A (Porter Street building) indented in by 4m from the front building setback.
- Floor to ceiling height for access to Basement 1 for waste collection trucks increased from 2.6m to 3m with a separate commercial waste bay in the basement area.
- Amendment to the southern elevation of each of the buildings by deleting the screening on the side articulation of the building.

The Arborist Report and swept paths details were submitted 14 & 27 September 2014, respectively.

As the amended plans reduced the floor space with a reduction in the overall height of Building B, the amended proposal have a reduced impact, accordingly the amendments were not required to be readvertised or renotified.

## **6. APPLICABLE PLANNING CONTROLS**

The following planning policies and controls are of relevance to the development:

- Environmental Planning and Assessment Act, 1979
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Building Sustainability Index: BASIX)

- Deemed SEPP – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Ryde Local Environmental Plan 2010
- Ryde Local Environmental Plan 2014
- Ryde Development Control Plan 2014.

## 7. **PLANNING ASSESSMENT**

### 7.1 State Environmental Planning Policy No 55 – Remediation of Land

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, Council must consider if the land is contaminated. If it is contaminated whether it is suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

A detailed site contamination report, *Report No. 14/1964, Project No. 19674/4680C, September 2014, SMEC Testing Services Pty Ltd*, has been submitted. From the site history and testing across the site it concludes that the site will be suitable for this proposal. The only matter of concern was the detection of asbestos at one of the surface samples near the residences. This will mean that the site will require remediation of the asbestos and a clearance certificate issued prior to any other work starting on the site. Council's Environmental Health Officer supports the findings of this report. Accordingly **Condition 23** has been implemented requiring the above works.

### 7.2 State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP applies to the subject site given its location adjacent to a classified road, being Church Street. The following provisions of the Infrastructure SEPP are applicable to this DA:

Infrastructure SEPP	Comments	Comply
<b>Clause 101 Development with frontage to a classified road</b> (1) The objectives of this clause are: (a) To ensure that new development does not compromise the effective and ongoing operation and function of classified roads; and (b) To prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.  (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that: (a) Where practicable, vehicular access	The subject site will have a 31.59m frontage to Church Street (southeast) and a 31.59m frontage to Porter Street. The proposal will have no vehicular access from Church Street with all vehicular access from Porter Street. As the proposal would not impact or compromise the operation and function of Church Street, the proposal was not required to be referred to Roads & Maritime Services (RMS).          Access is from Porter Street which is	Yes

Infrastructure SEPP	Comments	Comply
<p>to the land is provided by a road, other than a classified road; and</p> <p>(b) The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:</p> <ul style="list-style-type: none"> <li>i. The design of vehicular access to the land, or</li> <li>ii. The emission of smoke or dust from the development, or</li> <li>iii. The nature, volume or frequency of vehicles using the classified road to gain access to the land.</li> </ul> <p>(c) The development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</p>	<p>not a classified road.</p> <p>Council's Traffic and Development Engineers have not raised objections to the proposed location of the vehicular access from Porter Street with the proposal considered satisfactory in terms of traffic impact.</p> <p>A Noise Impact Assessment has been prepared by SLR Global Environmental Solutions, dated 7 May 2014. The assessment measured external noise impacts and operational noise emission. Section 5 – Acoustical Assessment and Design Recommendations sets out the result and recommended acoustic treatments that will ensure a reasonable level of amenity is achieved for future occupants. The recommendations contained in the report have been imposed as a condition. See <b>Condition 42</b>.</p>	<p>Yes</p>
<p><b>Clause 102 Impact of road noise or vibration on non-road development</b></p> <p>1. This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers likely to be adversely affected by road noise or vibration:</p> <ul style="list-style-type: none"> <li>(a) A building for residential uses</li> </ul> <p>2. Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.</p> <p>3. If the development is for the purposes of a building for residential use, the consent authority must not grant</p>	<p>Church Street is a State classified Road. An Acoustic Report has been submitted as part of the Development Application. The Acoustic Report has provided recommendations contained in Section 5 of the report. See <b>Condition 42</b>.</p>	<p>Yes</p>

Infrastructure SEPP	Comments	Comply
<p>consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq measures are not exceeded:</p> <p>(a) In any bedroom in the building – 35 dB(A) at any time between 10pm and 7am</p> <p>(b) Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.</p>		

### 7.3 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 is a deemed SEPP and applies to the subject site.

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2014. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

### 7.4 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

SEPP 65 requires consideration of the design quality of the residential flat building component of the proposed development. The proposal is also to be assessed against the Residential Flat Design Code.

The proposal was reviewed by the Urban Design Review Panel (UDRP) prior to lodgement and the UDRP comments were taken into consideration in the redesign of the proposal.

There are 10 design quality principles identified within SEPP 65. The following table provides an assessment of the development proposed against the 10 design principles of the SEPP.

Planning Principle	Comment
<p><b>Context</b></p> <p>Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.</p> <p>Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the</p>	<p>The redevelopment of this site will be consistent with the desired future character for the precinct as identified in Part 4.2 of DCP 2014 – Shepherd's Bay, Meadowbank. The desired future character for this precinct is to incorporate mixed higher density residential and commercial/retail development. It is also consistent in terms of the massing and scale</p>



Planning Principle	Comment
<p>desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</p>	<p>with the adjoining development to the south (Bay One Development) and the development on the corner of Church and Well Street. The proposal offers an improved presentation to Porter and Church Streets.</p>
<p><b>Scale</b>            Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</p> <p>Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</p>	<p>The scale in terms of height is consistent with the adjacent developments to the south and west, and whilst there are areas of non-compliance with the height controls identified in RLEP 2010, Council's Urban Design Review Panel has supported the scale and massing of the development. The height of the development is unlikely to adversely impact on the streetscape and the applicant has been able to demonstrate that it will have an acceptable impact on the amenity of the surrounding buildings. The development does not exceed the height control in RLEP 2014.</p> <p>The bulk of the development is also considered to be acceptable given that the development achieves compliance with the objectives in the RDFC.</p>
<p><b>Built Form</b>            Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The proposal has been modulated and articulated to provide interest in the design and assist in providing the development with acceptable bulk. The built form has provided an interface connection with the adjoining public reserve with good internal amenity and outlook. The public domain along the street frontages of the site will be upgraded.</p>
<p><b>Density</b>            Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).</p> <p>Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</p>	<p>Under the current controls there is no applicable floor space ratio control or density control for the site. However, RLEP 2014 introduces a floor space ratio of 2:1. The original development proposed a floor space ratio of 2.2:1 which was a 12.3% variation. The amended development has a FSR of 2.02:1, a variation of 51m<sup>2</sup>, which is less than 1% (0.99%). This variation is very minor and is not considered to greatly alter the bulk and scale. The proposal can be supported as the overall bulk and scale of the proposed development is appropriate with relation to the immediate surrounds. The proposed development is consistent with the existing and future density within the area and the site's density is also considered appropriate given its proximity to the train station and ferry.</p> <p>The amended proposal is considered</p>

Planning Principle	Comment
	appropriate in terms of scale and bulk and is consistent with adjoining developments.
<p><b>Resource, energy and water efficiency</b> Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.</p> <p>Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</p>	<p>The applicant has provided an amended BASIX Certificate No 540042M_03, dated 19 September 2014 which indicates that the residential component of the buildings will meet the energy and water use targets set by the BASIX SEPP.</p> <p>A waste management plan for the demolition of existing buildings has been submitted and is considered acceptable by Council's Environmental Health Officer.</p> <p>The design has also ensured the development will comply with the passive solar design principles, soil depth, cross ventilation and reuse of water as provided in the Residential Flat Design Code.</p>
<p><b>Landscape</b> Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.</p> <p>Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p>	<p>The development makes provision for deep soil planting in the setback zones to Church Street and the side setback adjacent to Hayes Reserve. Council's Consultant Landscape Architect has raised no objections to the proposed landscaping for the site.</p> <p>The landscaping of the communal open space on the courtyard area, as well as other design features such as seating will ensure that this space provides a useable area for the residents.</p> <p>Each unit is also provided with a private balcony area sufficient for recreational use and amenity benefit.</p>
<p><b>Amenity</b> Good design provides amenity through the physical, spatial and environmental quality of a development.</p> <p>Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>	<p>The design of the units allows for sufficient level of amenity for occupants of the buildings and residents of surrounding properties.</p> <p>The development generally complies with the controls contained in the Residential Flat Design Code in respect to apartment sizes, access to sunlight, ventilation, visual and acoustic privacy, storage layout and access requirements.</p>
<p><b>Safety and Security</b> Good design optimises safety and security, both internal to the development and for the</p>	<p>The development is consistent with the CPTED principles as follows:</p>

Planning Principle	Comment
<p>public domain.</p> <p>This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.</p>	<ul style="list-style-type: none"> <li>• The entrance to each apartment building will be clearly legible and well lit.</li> <li>• Appropriate signage to be provided to the buildings' entrance with appropriate lighting.</li> <li>• Lighting, both internal and external, will be provided in accordance with Australian Standards.</li> </ul> <p>See <b>Conditions 92,93 &amp; 94</b></p>
<p><b>Social Dimensions and Housing Affordability</b></p> <p>Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</p> <p>New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.</p> <p>New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</p>	<p>The development will include the following housing mix:</p> <p>42% - 1 bedroom 55% - 2 bedroom 3% - 3 bedroom</p> <p>This mix will result in an affordable range of housing which should attract singles, couples and family occupants alike into an area which is highly accessible to public transport and nearby shopping centres. In this regard, as a guide the Housing NSW Centre for Affordable Housing suggests 1 and 2 bedroom apartments contribute towards achieving housing affordability. 1 &amp; 2 bedroom apartments are well represented in this proposal.</p>
<p><b>Aesthetics</b></p> <p>Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.</p>	<p>The development has incorporated a variety of materials and finishes to assist in the massing of the buildings as well as providing differentiation between the uses and various elements within the development.</p>

## Residential Flat Design Code

The SEPP also requires the Council to take into consideration the requirements of the Residential Flat Design Code. These matters have been raised in the following table based on the amended plans submitted in September 2014.

Primary Development Control and Guidelines	Comments	Compliance
<b>Part 01 – Local Context</b>		
<b>Building Height</b> Where there is an existing floor	There is no floor space control for the site under the planning controls applicable to	

Primary Development Control and Guidelines	Comments	Compliance
<p>space ratio (FSR), test height controls against it to ensure a good fit.</p>	<p>this application. However RLEP 2014 (which was gazetted on 12 September 2014) introduced a FSR of 2:1 for Meadowbank. The development has a FSR of 2.02:1 which is over the maximum by 51m<sup>2</sup>. This variation is very minor and does not impact on the overall height.</p> <p>The proponent has amended the proposal to reduce the height of Building B by deleting a storey as such the proposed development has a reasonable scale relationship with development on the opposite side of the street. The development is considered to be consistent with the urban form within the immediate and wider locality. Full details of height is discussed later on in the report.</p>	<p>Yes</p>
<p><b>Building Depth</b> In general, an apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18m must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.</p>	<p>No individual apartment exceeds the apartment depth of 18m with some apartments having dual aspect.</p>	<p>Yes</p>
<p><b>Building Separation</b> Building separation for buildings up: <u>Four storeys/12m</u> -12m between habitable rooms / balconies -9m between habitable / balconies and non-habitable rooms -6m between non-habitable rooms and <u>to five to eight storeys/up to 25m should be:</u> -18m between habitable rooms / balconies -13m between habitable / balconies and non-habitable rooms -9m between non-habitable rooms.</p>	<p>18m separation between the two buildings (18m between habitable rooms/balconies). The development has proposed a zero setback to the side boundaries. This is envisaged by the DCP controls. The design has allowed for the zero setbacks.</p>	<p>Yes</p>
<p><b>Street Setbacks</b> Identify the desired streetscape character. In general, no part of the building should encroach into a setback area.</p>	<p>The DCP requires a 2m road widening plus 4m setback to the Porter Street frontage. Proposed: 2m for road widening + 4m front setback.</p>	<p>Yes</p>



Primary Development Control and Guidelines	Comments	Compliance
	Church Street required 12m for residential component. Proposed: 12m	Yes
<b>Side and Rear Setbacks</b> Relate side setbacks to existing streetscape patterns. These controls should be developed in conjunction with building separation, open space and deep soil zone controls. In general, no part of the building should encroach into a setback area.	<p>The DCP does not provide any requirement in terms of setbacks to the side boundaries however Council has been applying a consistent approach of zero side setback with party walls along the side boundary. Council's Urban Design Review Panel has advised that <i>a party wall approach will assist in achieving a cohesive street edge across of range of development frontages and ensure sites can be efficiently redeveloped.</i></p> <p>The northern side boundary has a zero setback with a party wall approach. The southern side boundary which adjoins Hayes Reserve has been treated as another secondary frontage and has a setback of 4m for the building, as required by Council. However 1<sup>st</sup> floor and above side balconies encroaches into this side setback area. This is considered acceptable as the DCP requires the building to be articulated with external balconies, entries etc, especially where it faces public spaces. Furthermore, the setback is adequate to ensure that amenity aspects such as landscaping and good surveillance interface with the Reserve have been adequately addressed.</p>	Yes
<b>Floor Space Ratio</b> Test the desired built form outcome against the proposed floor space ratio to ensure consistency with building height, building footprint, the three dimensional building envelope and open space requirements.	There is no applicable floor space ratio for the site under the current planning controls. However RLEP 2014 introduced a FSR of 2:1. The proposed floor space ratio of 2.02:1 is considered acceptable as the bulk and scale of the development is consistent with recent developments adjacent to the site.	Yes
<b>Part 02 – Site Design</b>		
<b>Deep Soil Zones</b> A minimum of 25% of the open space area of a site should be deep soil zone. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration.	<p>264.7m<sup>2</sup> of deep soil zone is required.</p> <p>The proposal will provide approximately 256m<sup>2</sup> of deep soil within the front setback along Church Street and along some section of the side southern boundary. The proposed variation is relatively minor (being only 8.7m<sup>2</sup> departure) and is considered acceptable as potential tree</p>	No – variation acceptable.

Primary Development Control and Guidelines	Comments	Compliance
	canopy will be provided as part of the podium planting.	
<b>Fences and Walls</b> Fences and walls are to respond to the identified architectural character for the street and area. They are also to delineate the private and public domain without compromising safety and security.	No fences are proposed in the street setback areas. Given that the development aims to activate the streets by providing commercial/retail uses, fences would be inappropriate.	Yes
<b>Landscape Design</b> Landscaping is to improve the amenity of open spaces as well as contribute to the streetscape character.	A detailed landscaping plan has been submitted and subject to conditions no objections are raised.	Yes
<b>Open Space</b> The area of communal open space required should generally be at least between 25% and 30% of the site area. Where developments are unable to achieve the recommended communal open space, they must demonstrate that residential amenity is provided in the form of increased private open space and/or in a contribution to public open space.	The development is required to provide between 637m <sup>2</sup> to 765m <sup>2</sup> of communal open space. The communal open space is provided by way of an internal courtyard area between the two buildings which is approximately 442.8m <sup>2</sup> plus the side and front setbacks of approximately 584m <sup>2</sup> . Therefore the total communal open space is 927m <sup>2</sup> . The communal open space is a well-designed usable area with outdoor seatings and landscaping to soften and shade the area.	Yes
<b>Orientation</b> Optimise solar access to living areas and associated private open spaces by orientating them to the north and contribute positively to the streetscape character.	Where possible the development has incorporated the living areas to the north.	Yes
<b>Planting on Structures</b> In terms of soil provision there is no minimum standard that can be applied to all situations as the requirements vary with the size of plants and trees at maturity. The following are recommended as minimum standards for a range of plant sizes: • Shrubs - minimum soil depths 500 - 600mm	To ensure that the development complies with the recommended standards contained in the RFDC, it is proposed to include a condition on the consent to require compliance with the relevant soil depth. See <b>Condition 51</b> .	Yes
<b>Stormwater Management</b> Reduce the volume impact of stormwater on infrastructure by retaining it on site.	The development has been assessed by Council's Senior Development Engineer and is considered to be satisfactory.	Yes
<b>Safety</b> Optimise the visibility,	The amended proposal was referred to	Yes

Primary Development Control and Guidelines	Comments	Compliance
functionality and safety of building entrances. Improve the opportunities for casual surveillance and minimise opportunities for concealment.	Gladesville Police with regard to the safety issue of the development. Gladesville Police has raised no objections subject to conditions regarding surveillance, lighting, maintenance and access control. In addition casual surveillance is provided to the street, the communal open space to Hayes Reserve. The residential entries to the development are visible and functional. See <b>Conditions 91-96</b> .	
<b>Visual Privacy</b> The building separation requirements should be adopted.	Adequate visual privacy will be maintained due to building separation between the two buildings and window placement and screening.	Yes
<b>Building Entry</b> Ensure equal access to all. Developments are required to provide safe and secure access. The development should achieve clear lines of transition between the public street and shared private, circulation space and the apartment unit.	The reinforcement between public and private space is generally acceptable.	Yes
<b>Parking</b> Determine the appropriate car parking numbers. Where possible underground car parking should be provided.	Two levels of parking are proposed with the proposal complying with the required number of parking spaces. The retail and visitor parking are provided in the 1 <sup>st</sup> level of parking with 12 bicycle spaces spread over the levels.	Yes
<b>Pedestrian Access</b> Provide high quality accessible routes to public and semi-public areas of the building and the site. Maximise the number of accessible, visitable and adaptable apartments in the building.	<p>The development will incorporate accessible routes to the public areas via Porter and Church Streets. Lift access from Church Street to the entrance of the building is provided.</p> <p>The development has provided 7 adaptable apartments.</p> <p>Vehicular and pedestrian entry points are clearly separated.</p> <p>The Access Report submitted with the application has reviewed the proposal with compliance to 2010 Access to Premises Standard, AS 1428 series and AS4299-1995 Adaptable Housing Standard. The report confirms that the development provides appropriate accessibility to common areas and that the development complies with the adaptable housing</p>	Yes





Primary Development Control and Guidelines	Comments	Compliance
	included a retail component, past evidence has shown that there is insufficient demand for small scale retail along this section of Church Street given the fact there is "No stopping" or parking along Church Street. Furthermore the Urban Design Review Panel supported the proposed floor to floor ceiling height as it achieves the minimum 2.7m as required under Residential Flat Design Code for residential use. Should the retail component not be viable, the premise is capable of being converted to residential use, subject to Council's approval.	
<b>Ground Floor Apartments</b> Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.	Building A proposes a ground floor apartment with separate entry from Porter Street. Building B is adjacent to Church Street with a setback 12m and is not desirable to have access from Church Street. The desired streetscape is maintained with the provision of retail floor space adjacent to Porter and the adjoining reserve linking Church and Porter Streets.	Yes
<b>Internal Circulation</b> In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight. Exceptions may be allowed: <ul style="list-style-type: none"> <li>- For adaptive reuse buildings</li> <li>- Where development can demonstrate the achievement of the desired streetscape character and entry response</li> <li>- Where development s can demonstrate a high level of amenity for common lobbies, corridors and units (cross over, dual aspect apartments).</li> </ul>	The maximum number of units accessible from a single corridor is 6 units.	Yes
<b>Mixed Use</b> The development is to choose a mix of uses that complement and reinforce the character, economics and function of the local area. The development must also have legible circulation systems.	Both Buildings will have a retail component of 122m <sup>2</sup> and 88m <sup>2</sup> and residential uses. At this stage the retail uses are not known however a grease arrester exhaust has been provided in each of the retail area.	Yes
<b>Storage</b> In addition to kitchen cupboards	The architectural plans shows that the	

Primary Development Control and Guidelines	Comments	Compliance
<p>and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"> <li>• studio apartments - 6.0m<sup>3</sup></li> <li>• one-bedroom apartments - 6.0m<sup>3</sup></li> <li>• two-bedroom apartments - 8.0m<sup>3</sup></li> </ul> <p>At least 50% of the above areas allocated within each respective apartment while the remaining 50% is to be located within the car parking area.</p>	<p>majority of apartments will have some storage within the units, however there are 18 units which do not show separate allocated storage area within the units themselves. The RFDC Review table submitted with the application shows that based on the number of units and the bedroom mix, the amount of storage provided is sufficiently more than what is required with the majority of storage provided in the basement area. Whilst the proposal is short of storage space within some units, given that sufficient storage area is provided in the basement levels, <b>Condition 46</b> has been imposed to ensure that every unit is allocated the minimum storage space.</p>	<p>Yes</p>
<p><b>Acoustic Privacy</b> Apartments within a development are to be arranged to minimize noise transitions.</p>	<p>A Noise Impact Assessment was submitted with the application which looked at the impact of the traffic noise on the development. The report made recommendations with regard to glazing thickness needed for each building to satisfy acoustic requirements. With regard to internal noise, the development will be required to comply with the acoustic provisions of the BCA. The apartments are generally planned so that room types in one apartment about the same room type in the adjoining unit and whilst there are some balconies immediately adjacent to each other, there is a wall between the balconies – assisting with creating an acceptable noise environment for the units. <b>Condition 42</b> has been imposed requiring compliance with the recommendations contained in the report.</p>	<p>Yes</p>
<p><b>Daylight Access</b> Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9.00am and 3.00pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable.</p>	<p>The overall development will have 72% (45 out of 62) of the units receiving the required hours of sunlight. Given that across the board the total of amount of units can achieve the minimum amount, the development is considered satisfactory.</p>	<p>Yes</p>
<p><b>Natural Ventilation</b> Building depths which support natural ventilation typically range from 10 to 18 metres.</p>	<p>The development has provided natural cross ventilation to 66% of the apartments with all of the kitchens having access to</p>	<p>Yes</p>

Primary Development Control and Guidelines	Comments	Compliance
60% of residential units should be naturally cross ventilated. 25% of kitchens should have access to natural ventilation.	natural ventilation. The development complies with the requirements of the clause.	
<b>Awning</b> Awnings are to encourage pedestrian activity on streets by providing awnings to retail strips.	The site is not located on a pedestrian priority street with no retail strip along this section of Porter and Church Streets accordingly there are no awning along the frontages.	N/a
<b>Facades</b> Facades are to be of appropriate scale, rhythm and proportion which respond to the building's use and the desired contextual character.	The proposed development incorporates a composition of building elements such as textures, different material and finishes which contribute to a well designed and proportional building.	Yes
<b>Roof Design</b> Roof design is to relate to the desired built form as well as the size and scale of the building.	The roof design is considered appropriate and relates well to the size and scale of the building.	Yes
<b>Maintenance</b> The design of the development is to ensure long life and ease of maintenance.	<b>Condition 95</b> imposed requiring building materials used at ground floor (particularly where blank walls are exposed to the public domain) be graffiti resistant and that any damage or vandalism is repaired/removed as soon as practicable.	Yes
<b>Waste Management</b> A waste management plan is to be submitted with the development application.	A waste management plan has been submitted with the development application and is considered satisfactory by Council's Environmental Health Officer.	Yes

## 7.5 State Environmental Planning Policy (Building Sustainability Index: BASIX)

The development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. As such, a BASIX Certificate has been prepared (No. 540042M\_3, issued 19 September 2014) which provides the development with a satisfactory target rating.

Appropriate conditions have been imposed requiring compliance with the BASIX commitments detailed within the Certificate. See **Conditions 3 & 104**.

## 7.6 Ryde Local Environmental Plan 2014

Ryde Local Environmental Plan 2014 (RLEP 2014) commenced on 12 September 2014 as the new environmental planning instrument applicable to the City of Ryde. In relation to existing development applications undetermined as of 12 September 2014, this instrument contains a Saving Provision (clause 1.8A) which states:

*If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.*

The application was lodged on 11 June 2014, before the commencement of this Plan and so it must be determined as if RLEP 2014 had not commenced and RLEP 2014 is to be considered as a draft planning instrument.

## **7.7 Ryde Local Environmental Plan 2010.**

- Clause 2.2 - Zoning

The site is zoned B4 Mixed Use under the provisions of the RLEP 2010. The development is permitted in this zoning. Note: Under the recently gazetted RLEP 2014, the zoning of the site remains unaltered.

- Clause 2.3 – Zone Objectives

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives for the B4 Mixed Use are as follows:

- To provide a mixture of compatible uses.
- To integrate suitable business, office, residential, retail and other development in accessible location so as to maximise public transport patronage and encourage walking and cycling.
- To create vibrant, active and safe communities and economically sound employment centres.
- To create safe and attractive environments for pedestrians.
- To recognise topography, landscape setting and unique location in design and land use.

The development complies with the above objectives. It will be consistent with the desired future character for the precinct by introducing a mixed use building consisting of residential and retail use. The massing and scale of the development is appropriate in terms of the existing and future built environment and the built form contributes to the character and public domain of the area. It is proposed to widen Porter Street which has been identified in the DCP as important for improving traffic flow and providing a safe and improved environment for pedestrians.

- Clause 4.3 Height of Buildings

The height of a building on any land is not to exceed the maximum height of 9.5m.

Building height is defined in this planning instrument as meaning the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

Both buildings exceed the 9.5 metre height control. In respect of Building A, the maximum height will be 21.05m and the maximum height for Building B 18.5m.

Building	No of Storeys	Maximum Height
A (Porter Street)	6	Max RL41.6 (highest point of roof). Max Height 21.05m
B (Church Street)	6	Max RL 37.4 Max Height 18.5m

This is a breach of the height control of up to 12m for Building A and Building B will exceed the height control by 9m. The non-compliances are taken from the maximum height (top of roof area – lift overrun within the roof area).

As mentioned previously RLEP 2014 commenced on 12 September 2014 as the new environmental planning instrument applicable to the City of Ryde however as this application was submitted prior to the gazettal of RLEP 2014, the Savings Provision requires the application to be determined as if RLEP 2014 had not commenced.

Nevertheless, under RLEP 2014 the maximum height of buildings permitted on the site is 21.5m and if the application was submitted after 12 September 2014, the development would comply with the maximum height of RLEP 2014.

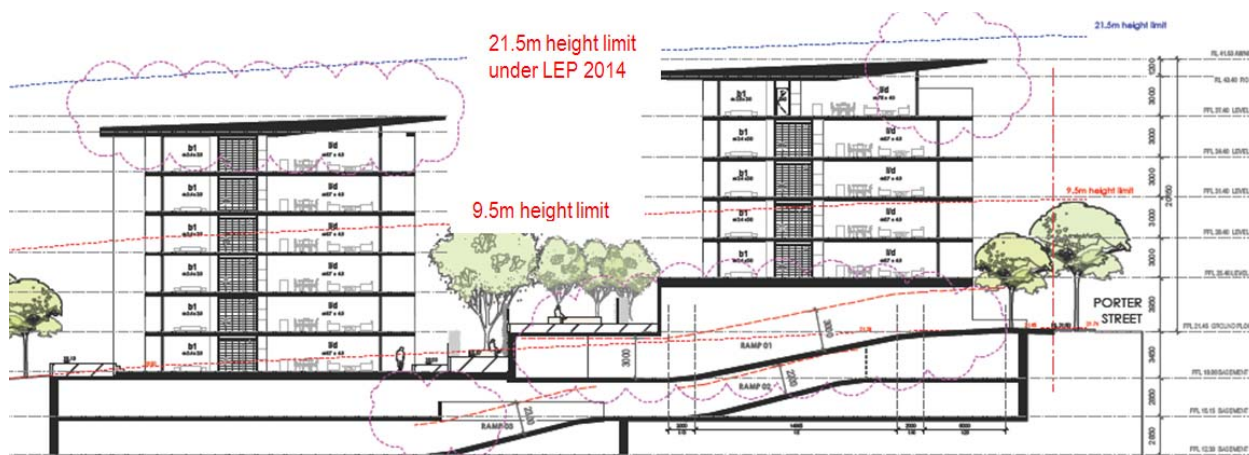


Figure 6: Cross Section of Buildings A & B height variation from 9.5m and new height control 21.5m.

Clause 4.6 of RLEP 2010 allows exceptions to development standards. Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. The consent authority must be satisfied that the applicant's written request has satisfied the above criteria and that the proposed development will be in the public interest as it is consistent with the zone objectives as well as the objectives of the particular development standard. In addition, consent cannot be granted unless the concurrence of the Director-General has been obtained. These matters are discussed below.

### **1. Written request provided by the applicant.**

The applicant has provided a written request seeking to justify the variation to the development standard in Appendix 2 of the Statement of Environmental Effects prepared by Provincial Planning.

### **2. Whether compliance with the development standard would be unreasonable or unnecessary in the circumstances of the case.**

One of the major reasons provided by the applicant for the variation is that the development is consistent with the desired future character of the area as established by adjoining contemporary mixed use developments at 82-84 Porter Street (known as Bay One development), the 2 x 6 storey mixed use residential at 2-4 Porter Street and the development currently under construction at 125 Church Street. The Bay One development located south west of the site comprises six buildings ranging in height of five to seven storeys. The Bay One development occupies a large area and is important in establishing the character of the area. Furthermore, recent approvals such as the Part 3A Concept Approval along Shepherd Bay Foreshore and 74 Belmore Street (Crowles Homes), opposite the subject site, when constructed, will establish the area as high density living with buildings ranging in height of up to 7 storeys for developments along Porter Street.

The proposed development is consistent with adjacent buildings in terms of the overall RLs. At 2-4 Porter Street, the building facing Building A has an approved RL of 39.65 (height of 19.2m) with the proposed Building A having maximum RL of 41.6 (height of 21.5m). Further down the street at 125 Church Street the two buildings facing Porter Street have maximum RLs of 34 and 41.1 (height of 23m and 27.3m). Opposite in Porter Street is the Crowles Homes (Achieve Australia) development, which has a Part 3A concept approval for five residential buildings on the site. Building E of the Crowles Homes development will be directly opposite proposed Building A and will have a maximum RL of 45. All of the proposed buildings have articulation at the upper level consistent with the proposed building.

The proposed development is consistent in terms of its height and scale with the adjacent buildings. The overall height of the development is also supported by Council's Urban Design Review Panel. As demonstrated further in the report, the development will also maintain satisfactory amenity with the adjoining sites.

The height of the buildings is also consistent with the new planning controls proposed for Meadowbank.

In the above circumstances, compliance with the height control would be unreasonable and unnecessary.

### **3. Environmental grounds to justifying contravening the development standard.**

The applicant has presented the following arguments with regard to contravening the standard:



*As demonstrated above, the development is consistent with the desired future character of the area. The built form ensures acceptable setbacks, streetscapes, scale and visual interest in the buildings.*

*The proposal maintains the desired character and proportions of streets, as enunciated in its most recent planning policies for the area, and as evidenced by the existing and approved buildings within the locality which have been approved at the height of the Draft RLEP2014. Further the height is suitably proportioned to the street width which is to be widened as part of the proposal. The front setbacks and street width also ensure a suitable human scale.*

*The shadow diagrams demonstrate that there will be no undue overshadowing of the adjoining properties with shadowing within the parameters envisaged by a 21.5m height with compliant side setbacks. The building respects the topography such that there is no manipulation of ground levels to create additional potential perceived height, with the buildings being based on existing natural ground levels.*

*The building has also been designed to respect its relationship to the adjoining reserve both in terms of its height design and use. There is no unreasonable impact on adjoining properties, in terms of privacy, solar access or views or visual impact beyond that expect in a designated dense urban area.*

#### Comment

Agreed – the bulk and scale of the development is compatible with the area and when viewed from the street is consistent with adjoining development as well as the new planning controls for the Meadowbank area. In addition, the recently approved Part 3A Concept Approval and 2-4 Porter Street when constructed will further establish the future character of the area as a high density mixed use area. The proposed development is consistent in terms of its height and scale with the adjoining buildings.

Articulation has been provided to the upper level of the buildings and to the façades of the buildings which assists in reducing the bulk of the buildings as well as adding visual interest. Furthermore the development relates to the human scale by providing retail uses on the ground floor which will assist in the activation of the area.

A total of 45 apartments out of 62 will receive the required three hours of solar access which is 72% of the development.

Despite the breach of the control, the development does not result in unacceptable impacts on the environment.

#### **4. Consistent with the zone objectives and objectives of the development standard.**

The zone objectives have already been identified in an earlier section of the report. As previously concluded, the development complies with the objectives of the zone.

The objectives of the height clause are discussed in the following table:

Objective	Comment
(a) to maintain desired character and proportions of a street within areas.	The bulk and scale of the buildings are compatible and consistent with the adjoining developments as well as the future planning controls for the Meadowbank area. Articulation has been provided to the upper level of Building A which will assist in reducing the bulk as well as adding visual interest. The development satisfies this objective.
(b) to minimise overshadowing and ensure a desired level of solar access to all properties.	The development is unlikely to result in a material loss of amenity due to overshadowing to the adjoining properties. There is adequate separation between the two buildings and the properties opposite in Church Street to provide them with the required three hours solar access.
(c) to enable the built form in denser areas to create spatial systems that relate to human scale and topography.	The development relates to human scale by providing retail activities on the ground floor. Also, the upper floor of Building A has been setback from the street with the elevation facing Hayes Reserve being well articulated helping to reduce the visual impact of the buildings. This not only adds articulation to the development, but it also reduces the visual impact on the buildings.
(d) to enable focal points to be created that relate to infrastructure such as train stations or large vehicular intersections.	The site is not far from a bus stop that serves the bus corridor along Church Street however the site is not in close vicinity of any infrastructure such as a train station or large vehicle intersection. Accordingly, this objective is not applicable to the development.
(e) to reinforce important road frontages in specific centres.	N/a – the subject site is not within any town centres or special area.

The development complies with the above objectives.

### Conclusion

The breach of the development standard does not raise any matter of significance for the proposal and surrounding properties, nor is it contrary to the public interest. The proposal is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.

There are sufficient environmental planning grounds to justify contravening the development standard, as it would still allow for the orderly and economic development of residential land while maintaining the local character and desired future character.

The height is in accordance with the new RLEP 2014 standard which reflects Council's desired future character for the locality. Given the above, the objection to the height of buildings standard is worthy of support.

## 5. Concurrence of the Director General.

Circular PS 08-003 issued on 9 May 2008 informed Council that it may assume the Director-General's concurrence for exceptions to development standards.

### Conclusion

Despite the non-compliance with the height control, the development satisfies the criteria outlined in clause 4.6 and the variation is acceptable.

#### Clause 4.4 - Floor Space Ratios

There is no floor space control for the site under the planning controls applicable to this application. However RLEP 2014 (which was recently gazetted on 12 September 2014) introduced a FSR of 2:1 for Meadowbank.

In the original proposal, the development proposed a floor space of 5732m<sup>2</sup>, which was over the maximum by 12%. Whilst it was acknowledged that there is no FSR control, the application proposes a building height appropriate to the new RLEP 2014 as such, the application should also accord to the floor space control under RLEP 2014 which is 2:1.

The proposed development has amended the proposal to reduce the floor space to 5153m<sup>2</sup> which equates to a FSR of 2.02:1. The variation, being 51m<sup>2</sup> is very minor and does not impact on the overall height. As the planning controls in force at the time of submission of the application did not have a floor space control, a clause 4.6 variation is not required to be submitted.

It is considered that the proposed variation will not greatly alter the bulk and scale of the buildings. The variation is due to the ground floor lobby areas not being included in the overall floor area calculations however the inclusion of these floor areas will result in a variation of 51m<sup>2</sup>, which will not alter the scale of the buildings. The buildings are comparative with other buildings currently under construction and are under the maximum height control in RLEP 2014. The development is consistent with the desired future character of the area as established by other developments. Accordingly the proposed variation can be supported.

- Clause 5.10 Heritage Conservation

The site is in the vicinity of a Heritage Item - "Crowle Home" at 8 Junction Street. Council's Heritage Officer has provided the following comments:

*The proposal is assessed as having little or no impact on the heritage significance of Item 57 – Crowle Home. The proposal is outside the view catchment (due to the slope and topography of the land) of the item and it is considered there will be minimal heritage impact.*

*There are no heritage recommendations associated with this development application.*

Accordingly, the proposed development will not affect the heritage significance of the heritage item.

## 7.8 Ryde Development Control Plan 2014

The following sections of DCP 2014 are relevant to the proposed development.

### Part 4.2 Shepherd's Bay Meadowbank

#### General Development Controls

Control	Comments	Comply
<b>4.0 General Development Controls</b>		
<p>Mixed-use development will comprise either:</p> <ul style="list-style-type: none"> <li>a combination of medium and high density residential development with compatible employment related activity.</li> <li>Compatible employment related activities include: <ul style="list-style-type: none"> <li>restaurants and cafés;</li> <li>small scale retail establishments such as convenience stores and news agencies up to 2000 m<sup>2</sup>;</li> <li>small commercial offices and studios such as real estate agencies offices; professional suites such as doctors suits; and home offices.</li> </ul> </li> </ul>	<p>122m<sup>2</sup> &amp; 88m<sup>2</sup> of retail area on the ground floor. Use of the retail area has not been indicated however grease trap has been provided in each tenancy.</p> <p>Applicant has indicated that the tenancy in Building A may be use as a medical centre – however at this stage no details/proposal provided.</p>	Yes
Retail developments, restaurants and cafés are to be generally located at street level	Retail on ground floor.	Yes
Ground floor apartments are to be of flexible design to facilitate change of use and ensure privacy for occupants.	<p>One ground unit in Building A has direct access to Porter Street and flexibility to be used as a home office. This arrangement will encourage the use of the unit as a 'live/work' apartment as well as ensuring the privacy of the occupants.</p> <p>The ground floor units in Building B do not have separate direct access to Church Street however along Church Street vehicles stopping or parking is not permitted. Accordingly Church Street is not highly pedestrianised and commercial use is unlikely to do well. The retail use in this building can be</p>	Yes

Control	Comments	Comply
<b>4.0 General Development Controls</b>		
	adapted for residential use, subject to privacy measures.	
Active streetscapes will be encouraged by the use of outdoor restaurant seating, whether on private or public land. Refer to Council's Outdoor Dining Policy.	No details have been provided as to what the proposed use of the retail areas will be. However an outdoor area has been provided to activate Hayes Reserve.	Yes
Private living spaces and communal or public spaces should be clearly identified and defined	Each apartment has its own balcony and a communal area between the two buildings.	Yes
Pedestrian entry to the residential component of mixed-use developments should be: <ul style="list-style-type: none"> <li>- separated from entry to other land uses in the building(s); and</li> <li>- have a clear address and presentation to the street.</li> </ul>	Separate entry has been provided to the commercial tenancies. A separate access to the home office is possible directly from Porter Street without having to utilise the residential lobbies provided. The development has provided two residential lobbies, one from each street frontage which has a clear presentation to the street.	Yes
New large scale warehousing is not appropriate in the area	No warehousing proposed.	N/a
The Church Street frontage should be used for commercial uses with residential uses setback at 12m and fronting Porter Street	Only a small section of Church street frontage will have a commercial use. Along Church Street no vehicular stopping or parking is permitted accordingly commercial use is unlikely to do well. The residential component has been setback 12m from Church Street with residential fronting Porter Street	Yes
<b>4.1.2 Public Domain, Access and Pedestrian/Cyclist Amenity</b>		
The achievement of maximum heights and density is contingent on meeting the public domain provisions of this plan and all public domain items being provided by the proponent	Porter Street is to be widened by 2m. <b>Conditions 66 &amp; 103</b> have been imposed for dedication of the road widening to Council and for construction of the road by the applicant.	Yes
New developments must be provided with a minimum of one barrier free access point to the main entry.	Each of the buildings have been provided with one barrier free access point to the entry.	Yes
New commercial development should	Part 9.3 – Parking states that for new building where floor	Yes

Control	Comments	Comply
<b>4.0 General Development Controls</b>		
provide facilities, including showers, bike lockers etc, to encourage walking and cycling to work – refer to Part 9.3 - Parking.	space exceed 600m <sup>2</sup> GFA bicycle parking equivalent to 10% of required car spaces be provided. Based on this, 9 bicycle spaces is required. The development proposes 12 bicycle spaces which is sufficient for both the residential and commercial component.	
New roads, shared ways, pedestrian and cycle paths shall be provided in accordance with Figure 4.2.03.	Provided the 2m road widening along Porter Street. The applicant will be required to construct this road to Council's requirements. <b>See Condition 103.</b>	Yes
Constitution Road, Faraday Lane and Porter Street (see Figure 4.2.03, Figure 4.2.04, Figure 4.2.05 and Figure 4.2.06) are to be widened.	2m strip to be dedicated for road widening shown on architectural plans. <b>Condition 66</b> has been imposed for the design and construction of the road.	Yes
The design and location of vehicle access to developments should minimise conflicts between pedestrian and vehicles on footpaths, particularly along high volume pedestrian streets.	Vehicular access is from Porter street. The design of the vehicular access is in accordance with the relevant Australian Standard. This will ensure that the development will minimise conflicts between pedestrians and vehicles.	Yes
Service vehicle access is to be combined with parking access and limited to a maximum of one access point per building.	The service vehicles will use the proposed driveway.	Yes
Wherever practicable, vehicle access is to be a single crossing, perpendicular to the kerb alignment.	Single crossing which is perpendicular to the kerb alignment.	Yes
Vehicle access ramps parallel to the street frontage will not be permitted.	The vehicle access ramp to the basement car park from Porter Street is perpendicular to the street frontage.	Yes
Vehicle entries are to have high quality finishes to walls and ceiling as well as high standard detailing. No service ducts or pipes are to be visible from the street.	A security entry roller door is provided at the base of the entry ramp. It is proposed to include a condition on the consent to ensure that the walls of the ramp that will be visible from Porter Street have high quality finishes and do not contain any service ducts or pipes. <b>See Condition 50.</b>	Yes.



Control	Comments	Comply
<b>4.0 General Development Controls</b>		
The ground floor of all development is to be flush with the street footpath for the predominant level of the street frontage and at the main entry to the building.	The ground floor is flush with the street footpath at Porter Street however due to the topography of the land the ground floor at Church Street is higher than the street level. Church Street is not the main pedestrian entrance and disabled access is provided from both Church and Porter Street.	Yes - Porter Street. No – Church Street. Variation acceptable.
Recesses for roller doors and fire escapes are to be wide and shallow to provide for personal security. Narrow, deep recesses are to be avoided.	The roller door is provided at the end of the driveway ramp. This will enable a vehicle wishing to enter the basement to queue on the ramp rather than the road. The recess that is provided will not affect the streetscape nor will it adversely affect the safety of any pedestrians.	Yes
<b>4.1.3 Implementation - Infrastructure, Facilities &amp; Public Domain Improvements</b>		
The public land such as the road verge adjoining a development site is to be embellished and if required dedicated to Council as part of any new development. The design and construction of the works are to be undertaken in accordance with section Figure 4.2.03, Figure 4.2.04, Figure 4.2.05, Figure 4.2.06 and Figure 4.2.08.	Porter Street to be widened by 2m. This land is to be dedicated to Council. See <b>Condition 103</b> .  Note: The footpath in Hayes Reserve is shown in Figure 4.2.03 as “upgrade link – new/improved footpaths. Council’s Open Space Service Unit Manager has advised that the footpath has been upgraded by Council and is not required to be upgraded.	Yes –
The Access Network being the roads, pedestrian connections and open space network as shown Figure 4.2.03 is to be embellished if required and dedicated to Council as part of the new development. The design and construction of the works are to be undertaken in accordance with Ryde Public Domain Technical Manual and section 4.1.2 of this DCP	As detailed above the development complies with this requirement. Conditions of consent have been imposed to require this area to be upgraded to Council’s requirements. See <b>Condition 66</b> .	Yes
S94 contributions still apply throughout area, notwithstanding any land dedications, public domain improvements, infrastructure provision etc as required by this DCP.	An appropriate condition of consent will be imposed on any development consent to reflect the required Section 94 contributions. See <b>Condition 32</b> .	Yes

Control	Comments	Comply
<b>4.0 General Development Controls</b>		
<b>4.1.4 Views and Vistas</b>		
Development is to ensure that vistas towards Parramatta River are maintained (refer to Figure 4.2.08)	The proposed buildings are lower than buildings located further south. The development proposes two building with an 18m separation between the two buildings – vista through the development site is maintained.	Yes
Development must reflect the topography of the area taking into consideration views from the Rhodes Peninsula, Railway Bridge and Ryde Bridge.	The development has reflected the topography of the area by ensuring that the ground level is as close as possible to the street level. In addition, the development has reflected the height of buildings as permitted in RLEP 2014. The development will not adversely affect the views from the Rhodes Peninsula, Railway Bridge or Ryde Bridge.	Yes
Maintain views for pedestrians and cyclists along the public open space to the Parramatta River.	The development will not adversely affect the views for pedestrians and cyclists along the public open space adjacent to Parramatta River.	Yes
New buildings are to take into account the existing views on the subject site and adjoining sites.	The development will not materially affect the views of adjacent properties.	Yes
Orientate new development to take advantage of water views and vistas.	Building A is orientated to Porter Street however some units with window/balconies off the southern elevation facing Hayes Reserve may have some water views.	Yes
New developments are not to materially compromise views of the northern ridgeline of Meadowbank.	As the development is complying with the height controls, it will not materially compromise views of the northern ridgeline of Meadowbank.	Yes
<b>4.1.5 Landscaping and Open Space</b>		
All development proposals are to be accompanied by a Landscape Plan prepared by a qualified and suitably experienced landscape architect. This is to include an arborist's report on existing trees, and demonstrate how proposed landscaping will contribute to ecological sustainability. Management of	A Landscaping Plan and Arborist report has been submitted with the application. Council's Consultant Landscape Architect has raised no objections to the proposed landscaping of the site.	Yes.

Control	Comments	Comply
<b>4.0 General Development Controls</b>		
construction impacts must also be addressed.		
Roof gardens are encouraged and must be considered in any landscaping plan.	No roof garden proposed however communal open space provided between the two buildings. The Urban Design Review Panel supported the communal area between the two buildings.	Yes
Any development located adjacent to, or immediately across the road from open space is required to address the open space by way of design and orientation.	Adjacent to Hayes Reserve. The retail component has been designed to engage the open space. The side residential units will have balconies facing Hayes Reserve to provide surveillance.	Yes
All existing mature trees that enhance the quality of the area are to be retained.	<p>Arborist report submitted and Council's Consultant Landscape Architect has advised that tree removal is generally supported with the trees being removed being either of low significance or are required to be removed regardless due to the future road widening. Additionally, a good level of compensatory planting is being undertaken as part of the new landscaping scheme.</p> <p>However, removal of Tree 5 is not supported due to it being located on a neighbouring allotment and permission for removal from the land owners being required. Note: The Landscaping Plan indicate Tree 5 to be retain however the Arborist Report submitted indicated that the removal of this tree and will form part of a separate Tree Management Application to Council. A condition has been recommended which relates specifically to this tree being retained. See <b>Condition 88</b>.</p>	Yes
Provide adequate deep planting zones above car parking and other concrete or similar structures to allow sustainable planting.	Deep soil area at southern side boundary and within the front setback at Church Street. Sustainable planting can be	Yes

Control	Comments	Comply
<b>4.0 General Development Controls</b>		
	achieved within the courtyard area above basement carpark.	
Provide at ground floor level, where possible, open space for dwelling units and contiguous open garden areas to create common large landscaped space.	Ground floor communal open space between the two buildings.	Yes
Where appropriate, developments should incorporate landscaping (such as planter boxes) integrated into the upper levels of building to soften building form.	Whilst no planting is proposed on the upper levels, the buildings have been designed to have articulation and use of different material to break up the massing of the building.	No – variation acceptable.
Building setbacks are to allow for landscaping/planting as in section 4.2.2 Setbacks.	Setback in accordance with the DCP - Building 'A' is proposed to be set back 4m from Porter Street with Building 'B' proposed to be set back 12m from Church Street to allow for landscaping.	Yes
Where a proposal involves redevelopment of a site, the developer is to arrange for electricity and telecommunications utilities to be undergrounded along the entire length of all street frontages. Such utility modifications will be carried out to the satisfaction of the responsible authority (e.g. Energy Australia). This is to improve the visual amenity of the area and allow street trees to grow unimpeded.	Any approval will be conditioned to require undergrounding along Porter and Church Street. See <b>Condition 66</b> .	Yes
Permeable landscape surface materials are to be maximised, to allow maximum penetration of stormwater and urban runoff. Recommended permeable landscape materials include gravel, loosely fitting pavers, stepping stones, vegetative groundcover such as grass, creepers, and shrubs.	Permeable landscape surface materials including decorative gravel, loosely fitting pavers and vegetative groundcover have been maximized to allow penetration of stormwater and urban runoff. Council's Senior Development Engineer has no objection to the proposal with regards to stormwater run off.	Yes
<b>4.1.6 Street Furniture and Public Art</b>		
All development proposals are to be accompanied by a landscape plan, prepared by a qualified and suitably experienced landscape architect, indicating how public domain improvements including paving, street furniture and lighting will be incorporated into the development.	A landscape plan has been submitted with some aspects of the public domain works. The landscape plan has proposed street trees along Porter Street but not along Church Street. Public domain has traditionally been addressed via conditions	Yes

Control	Comments	Comply
<b>4.0 General Development Controls</b>		
	of consent. These conditions identify what is required in respect of the public domain as well as requiring a plan to be submitted in respect of the public domain. This plan requires Council's approval prior to the issue of any Construction Certificate with works completed prior to the any Occupation Certificate. See <b>Condition 66.</b>	
Public art is to be provided in accordance with Council's Public Art Policy. Developers must examine opportunities to incorporate public art in both internal and external public spaces and indicate how public art will be incorporated into major developments. Relevant themes include:  i. the harbour location; ii. industrial history and heritage; iii. Aboriginal heritage; and iv. urban revitalisation.	Public Art details provided for the adjoining Hayes Reserve, however Hayes Reserve is not part of the development and <b>Condition 49</b> has been imposed requiring submission of public art details for the subject site.	Yes
<b>4.1.7 Safety</b>		
Public spaces need to be designed to meet <i>Crime Prevention Through Environmental Design (CPTED) principles (DUAP 2001)</i> .	The proposal was referred to NSW Police who has raised no objections to the development, subject to Conditions. See <b>Conditions 91, 92, 93, 94 &amp; 96.</b>	Yes
Open sightlines and landscaping needs to be provided that allows for high levels of public surveillance by residents and visitors.	The landscaping along the street frontages will not obscure sight lines from or towards the development. In addition, the design also allows for casual surveillance from the apartments to the public spaces by residents and visitors.	Yes
Lighting is to be provided to all pedestrian ways, building entries, corridors, laundries, lifts, stairwells, driveways and car parks to ensure a high level of safety and security for residents and visitors at night. Further, external lighting including street lighting if necessary (in accordance with pedestrian lighting AS1158 is to be provided which makes visible potential hiding spots at night.	Appropriate conditions will be imposed to require external lighting to the development. See <b>Conditions 92.</b>	Yes

Control	Comments	Comply
<b>4.0 General Development Controls</b>		
Entrances to public open spaces will need to encourage pedestrian use and establish clear sightlines to improve visual security.	The development proposes a side entrance from Hayes Reserve. This entrance will encourage pedestrian use and provide additional surveillance to the reserve.	Yes
<b>4.2 Architectural Characteristics</b>		
<b>4.2.1 Height</b>		
The maximum building height is to comply with the heights shown in Ryde Local Environmental Plan 2014 Height of Buildings Map. Buildings must comply with the maximum number of stories shown in Figure 4.2.10.	The development does not exceed the height control in RLEP 2014. The DCP identifies that the development must not exceed a maximum of six storeys. The development comprise of 2 x 6 storey buildings. The height of this building is consistent with the desired future character of the area despite the number of storeys.	Yes
The ground floor height shall be 4 m floor to floor regardless of use.	<p>Building A – 3.95m. Very minor variation – satisfactory.</p> <p>Building B – 2.95m. Along Church Street there are no vehicular stopping or parking and the street is not highly pedestrianized. Commercial component along this section of Church Street does not tend to do well and is really only suitable for residential use. The proposal complies with the minimum 2.7m required under the Residential Flat Design Code and the Urban Design Review Panel have supported the reduced height as a 4m high ceiling for residential use limits opportunities for ceiling finishes and lighting.</p>	No- variation acceptable.
Retail and commercial uses at ground floor are to have floor levels contiguous with finished footpath levels. On sloping sites the levels must be contiguous at entries.	Porter Street ground floor is flush with the street footpath. However the development does not comply along Church Street. Due to the topography of the land the ground floor at Church Street is higher than the street level. As Church Street is not the main pedestrian	Yes



Control	Comments	Comply
<b>4.0 General Development Controls</b>		
	entrance, the proposal is considered satisfactory.	
<b>4.2.2 Setbacks</b>		
Setbacks must be consistent with the setback map (see Figure 4.2.12): I. New development to have 4 m setbacks II. Development along the northern boundary of the Meadowbank area adjacent to R2 low density residential zones is to have 6 m landscape buffer setback III. Development fronting Church Street to have 6 m landscaped buffer setbacks	Setback to Porter Street 4m (after the 2m road widening). Church Street is setback the required 12m for residential with a 6m deep soil buffer screen.	Yes
Residential development must be setback at least 12m from Church Street.	The development complies with this requirement.	Yes
Setbacks for buildings of four storeys and above to be consistent with Figure 4.2.13.	Existing and recent approved applications for development along Porter Street have only the upper floor setback 4m from the building façade. For consistency around the Meadowbank area, only the most upper floor is required to be set back 4m from the building façade. This proposal has provided the 4m setback on the upper floor facing Porter Street.	No – variation acceptable
Low native shrubs should be provided within all setbacks with the selection of species discussed with Council.	A Landscaping Plan has been submitted and Council's Consultant Landscape Architect has no objections to the proposed landscaping of the site.	Yes
Low signage relating to the use of the building is permitted within the Church Street setback.	No signage proposed.	N/a
<b>4.2.3 Roof Form</b>		
Buildings below RL 15 must have articulated roofs, as they will be viewed from buildings above. Articulated roofs refer to well-designed roof zones with landscaping, useable areas and/or richly detailed roofs made of high quality materials.	This is not applicable to the development as the building is not below RL15.	N/a
The use of solar panels on roofs is encouraged where possible.	The application does not include the provision for the	N/a

Control	Comments	Comply
<b>4.0 General Development Controls</b>		
	installation of solar roof panels. This may be considered at a future date and if it is considered to be feasible and desirable, this work would be permissible under the Infrastructure SEPP.	
Attics are to be avoided – as they are not in character with the locale.	No attic roofs are proposed.	N/a
<b>4.2.4 Building Facades and Articulation</b>		
Building facades should be articulated within a 3-metre zone to provide entries, external balconies, porches, glazed balcony enclosures, terraces, verandas, sun shading elements etc.	Building facades articulated with balconies/entries. The development complies with this requirement.	Yes
Penthouses should be set a minimum of 4 metres from any building façade.	Along Porter Street the top floor has been indented in 4m from the front building line. The development does not comply for the rear, side or Church Street elevations. This control is a streetscape control so it is not necessary for the upper floors to comply along the rear boundary of either Building A or B. Given that zero setbacks are proposed to the side boundaries compliance with this control would result in an inappropriate built form. The development also does not comply with the 4m setback to Church Street. This control is not considered necessary for Church Street as the building is required to be set back 12m. This greater setback reduces the bulk and scale of the building as viewed from Church Street. Also the Church Street façade of Building B is articulated through modulation of open and closed balconies which provides an interesting façade with no solid extensive blank or solid walls. This is also consistent with the two buildings at 125 Church Street which do not have the 4m setback. In this instance the variation is considered	No – variation acceptable

Control	Comments	Comply
<b>4.0 General Development Controls</b>		
	acceptable.	
Articulate buildings to respond to orientation, views, breezes, privacy, views, acoustic requirements, street widths and the relationship of the building to external garden spaces.	The buildings have been orientated to Porter and Church Street as well as Hayes Reserve. The buildings have been orientated to respond to the views and prevailing winds from the south.	Yes
Articulate buildings vertically and horizontally: materials and building setbacks on the upper storeys are to be used to reduce the perceived bulk of buildings.	The finishes and materials of the development will add to the vertical and horizontal articulation in the building. The development complies with this requirement.	Yes
Provide and denote entries along street frontages and public domain spaces where appropriate.	Entries will be clearly identifiable from the public domain.	Yes
Buildings are to address streets, open spaces and the river foreshore. Street frontages are to be parallel with or aligned to the street alignment.	Street frontages are parallel with the street alignment and orientated towards open spaces and streets.	Yes
Provide balconies and terraces, particularly where buildings overlook public spaces.	Each apartment has been allocated a balcony with the apartments adjacent to Hayes Reserve having a balcony facing the Reserve.	Yes
All facades visible from the public domain are to be durable, low maintenance and of high quality.	A condition will be imposed requiring any facades along the public domain to be maintained and any graffiti to be remove within a specified time frame. See <b>Condition 95</b> .	Yes -
External glass to be non-reflective and have a maximum of 20% tint.	This matter can be addressed as a condition of consent. See <b>Condition 40</b> .	Yes
<b>4.2.5 Private and Communal Open Space</b>		
Private open space with sunlight access, ventilation and privacy shall be provided for apartments in accordance with SEPP65.	The proposal complies with solar access for more than 70% of the development. Ventilation and privacy (building separation between the two buildings) also complies with SEPP 65 requirements.	Yes
No more than 50% of communal open space provided at ground level shall be paved or of other non-permeable materials;	The extent of paving and other non-permeable material in the communal open space is less than 50%.	Yes
Landscaping to be in accordance with approved landscape plan.	Any approval would be conditioned to require landscaping to be provided prior	Yes

Control	Comments	Comply
<b>4.0 General Development Controls</b>		
	to the occupation of the development. See <b>Condition 105.</b>	
<b>4.2.6 Residential Amenity</b>		
In considering compliance with SEPP65, regard will be given to: <ul style="list-style-type: none"> <li>i. limitations imposed by heritage items to be retained on the site;</li> <li>ii. sunlight access to adjoining balconies of living rooms; and appropriate urban form, site orientation and other constraints.</li> </ul>	No heritage item on site.  Minimal overshadowing impact to adjoining properties/balconies. The orientation and design of the buildings have taken into consideration site constraints and orientation.	Yes
Apartments below a sloping ground level shall apply the SEPP65 guideline for lightwells.	It has not been necessary to incorporate light wells into the development.	N/a
<b>4.3 Ecological Sustainability</b>		
<b>4.3.2 Energy Efficient Design</b>		
Residential development must be designed in accordance with principle outlined in the Building Sustainability Index (BASIX)	The applicant has submitted a BASIX Certificate which demonstrates that the development complies with the requirements.	Yes
The principles and properties of thermal mass, insulation and glazing are to be considered in the design of buildings to achieve a high level of energy efficiency	As the development has provided an acceptable BASIX Certificate, the development complies with this requirement.	Yes
<b>4.4.2 Noise and Vibration Attenuation</b>		
<b>Residential</b>		
New residential developments, including those within a mixed-use building, are required to consider noise attenuation and acoustic treatment in their design. Particularly, the building layout, walls, windows, doors and roofs are to be designed and detailed to reduce intrusive noise levels.	The site is impacted from Church Street traffic noise. Mitigation measures have been incorporated into the design including window glazing, external walls, roof/ ceiling construction, external doors and mechanical ventilation. The applicant has submitted an Acoustic Report in respect of the proposed development prepared by SLR Solutions dated 7 May 2014. The report has provided recommendations for glazing, minimum STC rating, external doors requirements, mechanical	Yes

Control	Comments	Comply
<b>4.0 General Development Controls</b>		
	operation. A condition of consent has been imposed requiring that the development comply with the recommendations of this report. See <b>Condition 42</b> .	
Development must have regard to "Interim Guidelines for Development Near Busy Road and Rail Corridors" Department of Planning.	The submitted Acoustic report looked at the "Interim Guidelines for Development near Busy Road which support the provisions of SEPP (Infrastructure)" and subject to the development satisfying <b>Conditions 38 &amp; 42</b> in respect to noise levels, the development will comply with these requirements.	Yes
Balconies and other external building elements are to be located, designed and treated to minimise infiltration of noise into the building and reflection of noise from the façade.	The development complies with this requirement.	Yes
New units are to be constructed in accordance with: 1. <i>Australian Standard 3671-1989: Acoustics – Road Traffic Noise Intrusion, Building Siting and Construction</i> ; and 2. <i>Australian Standard 3671-1987: Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors</i> .	A condition of consent will be imposed to ensure that the development complies with this requirement. See <b>Condition 42</b> .	Yes
<b>Commercial and Industrial</b>		
The use of a premises, and any plant, equipment and building services associated with a premises must not: 1. create an offensive noise as defined by the Protection of the Environment Operations Act 1997; and 2. add significantly to the background noise experienced in a locality.	A condition of consent will be imposed to ensure that the development complies with this requirement. See <b>Condition 127</b> .	Yes
Where development adjoins residential development, the use of mechanical plant equipment and building services will be restricted and must have acoustic insulation.	The submitted Acoustic Report sets out details/measures to be undertaken to ensure that any mechanical plant complies with the relevant noise level. A condition has been imposed requiring compliance with the recommendations contained in the Acoustic Report. See	Yes

Control	Comments	Comply
<b>4.0 General Development Controls</b>		
	<b>Condition 42.</b>	
Loading and unloading facilities must not be located immediately adjacent to residential development.	Loading and unloading facilities are located within the basement area.	Yes
Retail premises must limit any spruiking and the playing of amplified music or messages so as not to disturb the amenity of other public and private places.	A condition has been imposed to limit any spruiking and the playing of amplified music or messages so as not to disturb the amenity of public and private places. See <b>Condition 122.</b>	Yes
Where development is situated adjacent to residential development, working hours shall generally be restricted to 7 am to 6 pm Monday to Friday and 8 am to 1 pm on Saturday, and nil on Sundays or public holidays. Activities in operation outside these hours must demonstrate that there will be no detrimental impact to residential amenity.	A condition of consent will be included on this consent to limit the hours of operation of the retail uses to ensure that the residential amenity is not adversely affected. See <b>Condition 122.</b>	Yes
<b>4.4 Parking Access and Loading</b>		
All new buildings are required to provide on-site loading and unloading facilities. Buildings on Church Street will be accessed from Porter Street. This is to be addressed in Staged development applications for these sites.	Access is from Porter Street with a loading bay located within the basement level.	Yes
Loading docks shall be located in such a position that vehicles do not stand on any public road, footway, laneway or service road and vehicles entering and leaving the site move in a forward direction.	Loading dock in basement area. The development complies with this requirement.	Yes
<b>5.0 PRECINCT SPECIFIC DEVELOPMENT CONTROLS</b>		
<b>5.4 Precinct 4 - Church Street</b>		
New development in this precinct is to respond to, and consider views from, the Parramatta River.	Building A is orientated to Porter Street however the higher levels units with window/balconies off the southern elevation facing Hayes Reserve may have some water views.	Yes
Retain all existing mature trees that add to the high quality of the area.	No significant trees are located along the Church Street frontage and Council's Landscape Consultant support the removal of the trees along Porter Street as they will be	Yes



Control	Comments	Comply
<b>4.0 General Development Controls</b>		
	impacted on as part of the road widening.	
New commercial buildings in this precinct are to have a maximum depth from window to core of 12 metres to ensure adequate natural light and ventilation.	The retail areas will have a depth greater than 12m. However the intent of natural light and ventilation will be achieved as the retail areas will have glazed frontages with an outlook to Hayes Reserve which will provide natural light.	No – variation acceptable.
For retail ground floor areas larger footprints are allowable. Retail development is to be limited to showrooms. Supermarkets are not permitted.	The floor area of the retail component is only 122m <sup>2</sup> and 88m <sup>2</sup> . No details have been provided as to the proposed use of the shops however the size of the shops it is unlikely that it will be used as a supermarket.	Yes
Development must take into account the hostile environment and accordingly provide acoustic treatment, such as high performance glazing / double-glazing, for buildings fronting Church Street.	An Acoustic Assessment has been prepared which made recommendations for acoustic treatments such a glazing for each of the buildings. <b>Condition 42</b> has been imposed requiring compliance with the recommendations contained in the report.	Yes
The building adjoining the southern boundary of Hayes Reserve should take advantage of the northerly aspect and provide visual surveillance of pedestrians utilising Hayes Reserve.	In accordance with Urban Design Review Panel balconies have been provided along the southern boundary to provide visual surveillance.	Yes
Due to the traffic volume on Church Street, vehicular access will be from Porter Street for buildings fronting Church Street	Vehicle entry to the basement car park is from Porter Street. No vehicular access will be provided from Church Street.	Yes
Low native shrubs should be provided within all setbacks with the selection of species discusses with Council.	Council's Landscape Consultant support the proposed plantings/landscaping on the site.	Yes
Low signage relating to the use of the building is permitted within the Church Street setback.	No signage proposed.	N/a
Council seeks contributions from developers along Church Street for the upgrade of the public domain on the opposite side of the street.	S94 contribution will be imposed as required by S94 the Contribution Plan.	N/a
Residential development must be setback at least 12m from Church Street.	Setback minimum 12m from Church Street.	Yes

## Part 7.2 - Waste Minimisation and Management

As the development involves the demolition and construction of buildings the applicant submitted a Waste Management Plan (WMP) which has been reviewed by Council's Environment Health Officer and is considered satisfactory.

This DCP also requires that the development provide an appropriate space for the storage of wastes. Commercial and general waste collection will be collected from the building however recycling bins will still need to be presented on the kerbside for collection. It will be necessary for "No Stopping" signs to be installed along the property's frontage of Porter Street for garbage between the hours of 5.00am & 11.00am. **Condition 65** has been imposed requiring submission of a signage plan.

Appropriate conditions of consent will be imposed to ensure that the waste materials will be disposed of satisfactorily.

## **Part 9.2 - Access for People with Disabilities**

This DCP requires that for residential development it is necessary to provide an accessible path of travel from the street to and through the front door to all units on each level of the building. Also 10% of the units are to be adaptable units in terms of AS4299. The commercial component of the development is required to comply with all of the applicable provisions of the DCP.

An Accessibility Report by BCA Logic has been submitted with the application.

The report by BCA Logic has concluded as follows:

### **STATEMENT OF COMPLIANCE**

*The design documentation as referred to in this report has been assessed against the applicable provisions of the Federal Disability Access to Premises Standards Buildings – 2010, the Building Code of Australia 2014, AS 1428.1-2009, AS/NZS 2890.6-2009 and AS 4299-1995 as outlined in Annexure A of this report. It is considered that such documentation complies or is capable of complying with those documents for the purposes of a Development Application subject to on-going design development.*

**Condition 43** has been imposed requiring compliance with the recommendations contained in the report by BCA Logic.

## **Part 9.3 – Car Parking**

Part 9.3 specifies that car parking is to be provided at the following rates:

### **Residential Development - High Density (Residential Flat Buildings)**

- 0.6 to 1 space / one bedroom dwelling
- 0.9 to 1.2 spaces / two bedroom dwelling
- 1.4 to 1.6 spaces / three bedroom dwelling
- 1 visitor space / 5 dwellings

### **Retail Premises and Industrial Retail Outlet**

- 1 space / 25 m<sup>2</sup> GFA

The development will contain a total of 210m<sup>2</sup> of retail space and 62 apartments comprising of:

- 26 x One Bedroom
- 34 x Two Bedroom
- 2 x Three Bedroom.

The proposed development requires off street car parking to be provided at the following rates:

	Lower Limit	Upper Limit
One bedroom units/ Studio Apartments x 26	15.6	26
Two bedroom units x 34	30.6	40.8
Three bedroom units x 2	2.8	3.2
Visitors' spaces 1 / 5 units	12.4	12.4
Retail 210/25m <sup>2</sup>	8.4	8.4
	<b>69.8 = 70</b>	<b>90.8 = 91</b>

The proposal will provide for 92 car parking spaces, which is over the upper limit by one parking space. Any extra car parking spaces are to be included as floor space however in this instance as the development is already over the maximum floor space and to minimise car dependency a maximum of 91 car parking spaces to be provided. **Condition 120** has been imposed requiring this.

The adaptable housing report accompanying the application specifies that 7 of the units will be adaptable. Council requires that a disabled space be allocated to each of these units. Nine disabled parking spaces have been provided comprising of 7 disabled spaces for the residents, one for the retail use and one for visitors. **Condition 53** has been imposed requiring the residential disabled car spaces to be reallocated to the adaptable units.

The DCP states that: *in every new building, where the floor space exceeds 600m<sup>2</sup> GFA (except for dwelling houses and multi-unit housing) provide bicycle parking equivalent to 10% of the required car spaces or part thereof."*

Based on the above, 7 to 9 bicycle spaces are required to be provided.

The development incorporates bicycle spaces on the different levels and **Condition 54** has been imposed requiring minimum of 9 bicycle spaces to be provided.

The proposal complies with Council's car parking and bicycle requirements.

## **Section 94 Development Contributions Plan 2007 (2010 Amendment)**

Council's current Section 94 Contributions Plan (adopted 19 December 2007) requires a contribution for the provision of various additional services required as a result of new developments. The contribution is calculated based on the number of additional dwellings and increase in floor area for retail use. The proposal comprises

of 26 x 1 bedroom, 34 x 2 bedrooms and 2 x 3 bedrooms and 210m<sup>2</sup> of retail use. A concession has been given for the two dwellings at 115 & 117 Church Street however no concession is proposed for the two industrial buildings at 13 & 15 Porter Street as no details has been provided with regards to the warehouse component and is unlikely that a S94 contribution was paid for these buildings.

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$148,667.70
Open Space & Recreation Facilities	\$356,059.16
Civic & Urban Improvements	\$127,518.96
Roads & Traffic Management Facilities	\$18,327.20
Cycleways	\$10,865.32
Stormwater Management Facilities	\$35,296.94
Plan Administration	\$2,928.60
<b>The total contribution is</b>	<b>\$699,663.89</b>

**Condition 32** requiring the payment of a Section 94 contribution has been included in the recommendation of this report which will further be indexed at the time of payment if not paid in the same quarter.

Notes:

The CPI for June Quarter has been applied to the development. The CPI index for September quarter is likely be issued by Bureau of Statistics by 23 October 2014. Should a new rate be available prior to determination of this DA, the Joint Regional Planning Panel will be advised of the same via a separate memorandum with the revised S94 Contributions amount

## **8. LIKELY IMPACTS OF THE DEVELOPMENT**

### Built Form

The proposed development will not have any significant adverse impacts on the existing built environment or the amenity of the surrounding area.

The development is consistent with the height and scale of nearby developments within the vicinity. The proposed built form and character of the development will contribute to an attractive public domain.

### Access and Traffic

The development has proposed entry/exit driveway located off Porter Street and will provide off street car parking within the basement levels of the development. A Traffic Impact Assessment was submitted and it was concluded by Council's Traffic Engineer that with the widening of Porter Street, from a traffic perspective the development will not result in any unacceptable traffic implications to the road network.

### Overshadowing and Solar Access

The extent of overshadowing is an important consideration in terms of amenity to the proposed development as well as adjoining developments.

The overall development complies with 70% of apartments receiving the required three hours solar access as required by SEPP 65. The development will comply with the requirements of Council's codes and the SEPP 65 requirements in terms of providing acceptable amenity within the development.

#### Visual Privacy

Visual privacy is another important consideration in respect of amenity.

The development is considered to provide adequate privacy between the proposed development and the adjoining properties. This has been achieved by designing building layouts with windows and balconies orientated to Porter and Church Streets. Porter and Church Streets are 16m and 28m wide roads, respectively. Accordingly sufficient separation is provided to minimise any looking concern, however bi-fold privacy screens or louvre screens have been provided along the building facades.

#### Construction Impacts

Construction impacts are controlled by Part 8.1 of the Ryde DCP 2014. Council's standard conditions of consent have been imposed to control the impact of the construction activities.

#### Hours of Operation

The applicant has not proposed any hours of operation for the retail uses. At this stage, although the intended uses of the retail spaces is not known, it is considered appropriate to impose a condition of consent to restrict the hours of operation of the retail component of the development. This will ensure that the future uses within this building will need to operate within the times specified as well as ensuring the amenity of the future and surrounding residential uses is maintained. Given the number of residential properties in the vicinity, appropriate hours of operation would be 7.00am to 7.00pm seven days a week. This has been imposed as **Condition 122**.

#### Public Domain

Council has a Public Domain Technical Manual that applies to Meadowbank. This document specifies the landscaping, paving and street furniture required to be provided as part of an upgrade of the existing public domain. **Condition 66** has been imposed to ensure that the public domain is upgraded as part of this development consent. **Condition 104** has also been imposed requiring the 2m wide road dedication. All of this work will contribute positively to the streetscape.

## **9. COMMENTS FROM COUNCIL DEPARTMENTS**

#### **Senior Development Engineer: 21 August 2014:**

The proposed development has been reviewed from an engineering perspective and *"there are no objections to the proposed development with respect to the engineering components, subject to the application of the following conditions being applied to any development consent being issued for the proposed development."*

**Environmental Health Officer: 29 September 2014:** No objection has been raised to the development subject to appropriate conditions of consent. See **Conditions 23-25,68,69, 70, 71, 127, 128,129 & 131**.

## Public Works – Traffic

*The provided Traffic impact assessment demonstrates adequate levels of service post development. This is expected to alter based on the increase of traffic brought upon by the additional developments being erected within the area.*

*Traffic impact can only be assessed based on individual contributions by each development. As such this development provides acceptable levels of traffic increase.*

*From a traffic perspective there are no objections to approval of this application subject to the following conditions.*

### Waste:

- *As the height of the basement is now shown as 3m to accommodate the servicing of general waste only on site – the following will apply:*
  - *Recycle bins will need to be presented at the kerbside for servicing*
  - *The 3m height clearance will not allow for a clean-up truck to enter the basement to remove items from bulky goods storage area. Clean up material stored in the basement will need to be brought up to the kerb side for removal, no sooner than the weekend before the commencement of the scheduled clean up.*
  - *The cartage of bins and clean up material to Porter Street will be the responsibility of the assigned caretakers of the site. Council will not be responsible for this.*
- *As bins will be presented on the kerbside an area needs to be allocated for ease of access to the bins – No Stopping signs on garbage days between 5.00am & 11.00am. This signage plan will require the approval of the Ryde Traffic Committee.*

### Comment

A hard waste storage area has been allocated for residents to place unwanted household goods for the clean-up. This room will be accessed from Porter St by a large glass door integrated with the design of the front façade. This is considered satisfactory by Council's Waste Officer.

As recycling bins will be required to be presented on the kerbside for ease of access to the bins, "No Stopping" signs along the property's frontage of Porter Street for garbage collection days between the hours of 5.00am & 11.00am will be required.

**Condition 65** has been imposed requiring a signage plan is to be plan submitted to Council's Public Works for approval by the Ryde Traffic Committee.

**Council's Consultant Landscape Architect: 1 October 2014:** Council's Consultant Landscape Architect has reviewed the proposed development and has provided the following comments:

*Tree removal is generally supported on site with those being removed either of low significance or are required to be removed regardless due to the future road widening. Additionally, a good level of compensatory planting is being undertaken as part of the new landscaping scheme.*

*One tree (Tree 5) has not been supported for removal due to it being located on a neighbouring allotment and permission for removal from the land owners being required. The Arborist Report submitted indicated that the removal of this tree will form part of a separate Tree Management Application to Council. A condition has been recommended which relates specifically to this tree being retained.*

**Condition 88** has imposed as required.

## **External Referrals**

**NSW Police: 11 May 2011:** NSW Police have raised no objections to the development however they have provided comments and recommendations with regard to:

1. Surveillance
2. Landscaping
3. Lighting
4. Environmental Maintenance
5. Space/activity management
6. Access Control
7. Other matters

Generally, the proposed development is capable of addressing each of the above criteria in an acceptable manner and conditions have been imposed as recommended. See **Conditions 91, 92, 93, 94, 95 & 96**.

## **10. PUBLIC NOTIFICATION & SUBMISSIONS**

The original development application was advertised in the Northern District Time and notified between the period of 9 July 2014 and 30 July 2014. During this period, four submissions were received.

The amended plans which deleted a storey on Building B (facing Church Street) and reduced the floor space area were not re-notified as the amendments reduced the impact of the development and brought the proposal generally in compliance with Council's planning controls.

The submissions in the 1<sup>st</sup> notification period raised the following:

- *The people and residents of this area seem to be surrounded by construction, noise pollution and constant building approvals that appear to never cease and now another one on the table to be approved. Will it never end or will the residents ever get a break from the noise 6 days a week, the dust and increased traffic chaos from trucks, illegal parking of workers and contractors to name just a few. I worry that it will never ever end.*

### Assessment Officer's Comment:

As a consequence of new planning controls which allow for greater density and height, new developments will occur, changing the character of the area from an

industrial area to a predominantly residential area. With new developments/urban renewal there will be disruption due to construction works however it should be noted that construction impacts are controlled by Part 8.1 of the Ryde DCP 2014. Council's standard conditions of consent have been imposed to control the impact of the construction activities. In addition **Condition 63** has been imposed requiring a Construction Traffic Management Plan to be submitted detailing traffic management procedures and systems. This will ensure that traffic management will be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems.

- *My main concern is the local traffic it would impact on once the construction of the 2 residential blocks is complete. Porter Street is a narrow street and nowadays both sides of the street are parked with cars and this leaves only one-lane-wide of road space left for both directions of the traffic along Porter Street. As a resident here I'm already started to experiencing the traffic problem during the morning peak hours along the Porter Street. This local traffic condition would be definitely much worsened if hundreds of new residents are moved in.*

*The council must be in a role to foresee the local traffic problem like this to avoid a situation later on when new and existing local residents started to complain about it due to the Council's lack of appropriate infrastructure planning and considering. I'd like to suggest that:*

- *Widen Porter Street so that it allows two-lane traffic for both directions of the traffic.*
- *Keep the street kerb-side parking for both side of the Porter Street as it is currently, as the demands are there.*
- *Request the Developers to repair the Porter Street after project construction, as its surface is already damaged by the heavy construction vehicles.*

#### Assessment Officer's Comment:

Porter Street will be widened as part of this application, in accordance with the requirements of the DCP. The widening of Porter will help alleviate some of the traffic problems currently being experienced along Porter Street. Porter Street will be widened to "three" lanes (two lanes of transit and one parking). The submitted Traffic & Parking Impact Assessment prepared by ML Traffic Engineer and Council's Traffic Engineer has raised no concerns with regards to traffic impact due to the proposed development. The resulting traffic generation rates are considered consistent with the zoning of the site and are relatively minor in comparison to the surrounding road network. Council's Traffic Engineer has advised "*the development is unlikely to impact the efficiency of the traffic network or reduce road safety and therefore does not warrant concern*".

- *We are opposed to the current development proposal for 115-117 Church Street Ryde based on the following concerns:*
  - *Height of buildings and amount of glass material*
  - *Increased traffic and its effects*



*A seven storey property facing Church Street will create significant shadow areas. As a local resident who will be seeing these apartments from my backyard, I am concerned with the amount of glass designed on the Church Street frontage. I feel that our privacy is being impacted by this design.*

*The number of units and car parking spaces being proposed will lead to traffic gridlock on residential streets. At present, Porter Street, Belmore Street and Constitution Road are over congested with cars in the morning and afternoon peak periods. We are also mindful of the impact of other significant developments in the area that will also further congest these streets.*

Assessment Officer's Comment:

The proposed development has been amended to reduce the number of storeys in Building B from seven storeys to six storeys and is below the maximum height control of 21.5m permitted in RLEP 2014. The reduction in number of storeys to Building B will also reduce the overshadowing impact to Church Street. Adjoining properties and properties opposite in Church Street will receive the required solar access. The dwellings located opposite in Church Street will receive the morning and midday sun, developments located opposite in Porter Street will have minimal overshadowing from this development and the adjoining eastern properties will receive the midday and afternoon sun. Accordingly overshadowing from the proposal is considered acceptable.

The building façade facing Church Street will comprise of glass louvres with aluminium panels and external screening. Whilst there will be balconies off the living areas with glass bi fold louvres facing Church Street, overlooking/loss of privacy to the dwellings opposite is not considered to an issue. The building is separated by six lanes of traffic (Church Street is approximately 28m wide) plus there are privacy screens and louvres to the front façade which will help eliminate any perception of overlooking.

The issue of traffic impact from this development has been reviewed by Council's Traffic and Development Engineers who has advised that *"the development is unlikely to impact the efficiency of the traffic network or reduce road safety and therefore does not warrant concern"*.

- *I absolutely object to the above Development Proposal in the following ways*
  - *The height (number of storey's)*
  - *The impact to already congested, over crowded development in this corner of the Ryde Council catchment*

*The building height will mean my home will be in shadow by 4pm and will greatly increase the number of people who already look in and down into the yard and windows of my home. Our privacy and daylight is already significantly affected by all of the other development along Porter and Well Street. I would agree to a three storey development.*

*Please be reasonable about the above development proposal - have you visited this area during the day? By 9am a mum cannot use the foreshore parkland because all of the parking spaces are taken up by construction*

*workers- rubbish is everywhere, Porter Street is like driving in Vietnam, and this will be the case for several years when you consider the amount of construction in the area.*

*The way these developments are organised, with minimal retail and no urban or community spirit in mind will be the further detriment of the area. Having already witnessed the atrocity of the development at Wells and Porter streets where a much anticipated urban centre was changed to a childcare centre based on the failure of one overpriced terrible coffee selling store at Wells street and then the addition of a penthouse story on the Belmore/Porter street development which means we have no backyard privacy anymore.*

*Think about our future*

- *Where is the green space? What we have is already well used- we need to increase green space in ratio to high density builds*

- *Where will the new children to the area go to school and high school?*

*Meadowbank Primary is almost at capacity now.*

- *Where will the visitors to the area park? The parking is already at capacity and there are over 3,000 new apartments proposed for the area*

- *Is the public transport in the area going to be changed? The Kissing Point and Meadowbank Ferry terminal car parks are already at full use- as is any spare parking space around the train stations at Meadowbank and Rhodes. There is no direct bus to the city CBD from Church Street- you need to go via Macquarie to get there if travelling north or via Strathfield in the other direction- so everyone will just need to drive which will have thousands of cars to the already highly used Church Street, and to the loop road that runs to Constitution road.*

#### Assessment Officer's Comment:

Since the original application, amendments have been made to the design of the development, amending the proposed Building B from 7 storeys to 6 thus reducing the height. The height is under the new height control of 21.5m.

The development complies with overshadowing impact with dwellings located opposite in Church Street receiving the morning and midday sun. Church Street is a 28m wide road (6 lanes of traffic) and the proposed building will be setback 12m from the front boundary, therefore sufficient separation is provided to ensure that overlooking is not an issue. In addition privacy screens and louvres have been provided along the front balconies facing Church Street.

It is acknowledged there will be disruption to local streets due to construction works however this is part of the urban renewal process when buildings are under construction. Council's standard conditions of consent have been imposed to control the impact of the construction activities. In addition **Condition 63** has been imposed requiring a Construction Traffic Management Plan to be submitted detailing traffic and construction management procedures and systems. This will ensure that traffic management will be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. The proposed development has provided the required visitor parking spaces in

accordance with Council's Part 9.3 Car Parking requirement and **Condition 120** has been imposed requiring 12 of the parking spaces to be allocated as visitor parking.

Both the State Government and the City of Ryde's vision for the area is for a high density residential area with retail and commercial uses accordingly new planning provisions are in place to revitalise and renew the area. As part of the renewal, new green spaces will be provided along the foreshore for public use. The area is well connected to public transport, with rail, ferry and bus connections. A bus services runs along Church Street which link the area with Strathfield and Rhodes in the south with various other bus connections at Victoria Road to the north. The Sydney ferry services links the site with Parramatta in the west and Circular Quay in the east. The site is well located to all forms of public transport which would help minimise the need of residents and visitors to drive to the area.

## **11 CONCLUSION**

This area is undergoing transition from a former waterfront industrial area to a mixed residential, retail and commercial precinct. This is reflected in the new planning instruments for the area and recent developments have contributed to the revitalisation and transformation of the industrial area.

The proposed development comprises two separate buildings and provides a high degree of amenity for future occupants in terms of access to public transport, educational facilities, commercial and shopping centre & recreational facilities.

The proposed development has been modified and designed to address some of the Council Officers' initial concerns such as floor space, accessibility and waste collection along Porter Street. The proposal has provided the 2m road widening of Porter Street, in accordance with Council's DCP.

The issues raised in the public submissions have been adequately considered. Refusal of the applications is not warranted based on the reasons contained in the submissions.

It is recommended that the application be approved subject to conditions.

## **RECOMMENDATIONS**

Pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979 the following is recommended:

- a) That the Sydney East Region Joint Regional Planning Panel grant consent to development application LDA2014/236 for the demolition of all existing buildings and construction of a mixed use development comprising of:
  - Two x 6 storey residential and retail buildings consisting of Buildings A & B.
  - Retail component totalling 210m<sup>2</sup> on the ground floor of each of the buildings
  - A total of 62 apartments and 91 car parking spaces with vehicular access from Porter Street.

subject to the Conditions of Consent in Attachment 1 of this report.

- b) That the objectors be notified of this decision.

**Report Prepared By:**

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